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Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Wednesday, November 3, 2004, at 2:00 p.m.

Present:

Philip Cardinale,	Supervisor
Edward Densieski,	Councilman
Barbara Blass,	Councilwoman
Rose Sanders,	Councilwoman
George Bartunek,	Councilman

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.	Town Attorney

Supervisor Cardinale called the meeting to order.

Supervisor Cardinale: "I'd like to begin the meeting of November 3rd; post election, it being 2:00 p.m. in the appointed hour. And I think we'd like to begin- as usual with the Pledge of Allegiance and then we have a certificate of appreciate to issue. So could we rise for the Pledge of Allegiance? And our Town Clerk will lead us."

(At this time, the Pledge of Allegiance was recited, led by Town Clerk Barbara Grattan).

Supervisor Cardinale: "Okay, is Mr. Kucera here? How are you? Won't you come down and we'll make this presentation."

(Some inaudible discussion)

Supervisor Cardinale: "How are you? Good to see you. Right next to your beloved husband.

We are glad to see you today. We were looking for you at the last meeting. Richard Wines, the Chairman- I guess of the Landmark Preservation Commission was here to (inaudible), us but we wanted now that we know that you're retired 20 years of dedicated service as a member of the Landmark Preservation Commission of the town and in recognition of your outstanding commitment, (inaudible) we wanted to formally present at a meeting this certificate of appreciate to you

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with our heartfelt thanks.

And you are untypical only by the length of your service, but there are so many people in this town that serve on volunteer committees for the benefit of the town without of their own compensation or actually peace of mind because I know you worked hard for a long time. We wanted to at least acknowledge that (inaudible).

Thank you very much. (Inaudible) Thank you. Come back any time and visit us. Take care.

Okay. We have the minutes of the October 19th Board meeting which need approval. Could someone offer them for approval, please?"

Councilman Densieski: "Sure. I'd like to offer the minutes. So moved."

Supervisor Cardinale: "Okay. Moved and- "

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "-- seconded. Could we have a vote to approve the October 19th Board minutes?"

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The minutes are approved."

Supervisor Cardinale: "Okay, Barbara, would you tell us about the Reports since the last meeting?"

REPORTS:

Town Clerk	Monthly report for October. Total collected was \$9393.64
Police Department	Monthly report for August and September, 2004
Sewer Department	Discharge monitoring report for September, 2004
Riverhead Town	2004 seed clam rafting program report
Building Department	Monthly report for October.

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Tax Receiver

Total collected was
\$224,273.75
Utility collection report for
October. Total collected was
\$456,155.42

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Thank you. Could you please tell us
about the Applications?"

APPLICATIONS:

Special permit	Edward Densieski to erect a 150 foot flagpole/monopole on 1863 West Main Street in Calverton
Site Plan	Soundview Associates - Giorgio's Restaurant, an addition to restroom
Site Plan	Diliberto Winery - tasting house on existing vineyard
Site Plan	South Bay Apparel - add exterior dock

Supervisor Cardinale: "I think that was deck."

Barbara Grattan: "South Bay Apparel- "

Supervisor Cardinale: "Oh it's a dock, or a deck."

Councilman Densieski: "I think it was an upstairs deck."

Barbara Grattan: "It said deck."

Councilman Densieski: "Yeah, it is."

Supervisor Cardinale: "You said dock."

Barbara Grattan: "Did I say dock? Sorry. To add an exterior
deck."

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Supervisor Cardinale: "Okay."

Site Plan	Beacon Wireless Management - new flagpole with antennas
Site Plan recreational	South Bay Sports - Calverton Camelot - outdoor facility
Site Plan	Calverton Enterprises - amends expansion of building-storage area
Site Plan	211 Roanoke Avenue - exterior renovations
Site Plan	Riverwalk - amends new office building
Fireworks	Riverhead Business Improvement District - December 31 st , 7:00 p.m. municipal parking lot
Parade Permit	Riverhead Lions Club - Santa parade December 5 th at 1:00 pm

Barbara Grattan: "That concludes Applications."

Supervisor Cardinale: "Correspondence, please."

CORRESPONDENCE:

Martin Sendlewski	Regarding Janis property on Main Road, Jamesport
Petition	Regarding private road in Wading River to become known as Madeline Lane to be deemed a public road
Petition	Regarding- to be included in the Parking District -

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Atlantis Marine World

Allan Zilnicki, Theresa
Zilnicki, James Stark

Letters of protest to the
zoning

Mr. and Mrs. Brian Noone

Regarding zoning in Reeves
Park

Mary Ann Zamber

Regarding a fence at the end
of Ackerly Street

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Thank you. You do that so well. I see that it's 2:14 and we have public hearings to commence at 2:05, but before that I think I was supposed to ask if anyone, any of the Board members have a committee report they'd like to- Barbara?"

Councilwoman Blass: "I have two Mr. Supervisor, if I may. From the Solid Waste Committee we have an update on our landfill reclamation project. I'm pleased to report that the DEC has confirmed that we've actually reached virgin ground at a section of the landfill and that really is a milestone and they've confirmed that with Pit Excavations (phonetic). So it's a portion of the landfill in the back that's actually now down to virgin ground. They've excavated all of the waste and to date the project has excavated and processed 677,927 cubic yards of solid waste.

And from the Land to the Sea I have a report on- from the (inaudible) committee. As Mrs. Grattan indicated we have received the annual report from Mr. Lessard who is our contractor overseeing our rafting program for our seed clams and they have successfully completed their 20th year of harvesting or growing seed clams actually in East Creek and they had a 95% survival rate and they grew to capacity 500,000 seed clams.

And I wanted to take another second just to acknowledge publicly and thank Karen Rivera (phonetic) from (inaudible) Cultured Oyster Company. We lease space to her at East Creek for purposes of culturing clams, oysters and scallops and she has generously donated for the third year the following quantities of materials for us to broadcast out into the bay: 60,000 seed clams; 20,000 oysters; and 2,010 millimeter bay scallops.

And last Saturday, Councilwoman Sanders and I accompanied Mr.

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Lessard and we broadcast them out in the bay at various spots. So those are two very- two points of interest that I wanted to update everyone on."

Supervisor Cardinale: "Thank you. Okay. If- if there any other committee report or comment by a Board member? Otherwise, we'll move to public hearings."

Public Hearing opened: 2:16 p.m.

Supervisor Cardinale: "It's 2:16 and we have one to commence at 2:05 p.m. for discussion of Community Development Block Grants for the year 2005. And I would like to open that hearing at 2:16.

Is there anyone in the public who would like to be heard? DeeDee?"

DeeDee Newcomb: "Good afternoon. My name is DeeDee Newcomb and I'm with Bread and More in- not Brendan Moore as it once appeared in the paper, but Break and More Soup Kitchen.

We appreciate the request up here before you. This comes at an interesting time for us. We know today- tonight actually, a new organizational aspect is helping us out with our soup kitchen. We- there is a steering committee formed, four of your standard officers with vote and a fifth member called coordinator, of volunteers.

I have agreed to serve in that capacity for the foreseeable future but I'd like to introduce Jim Cahill who is the president of our new steering committee for this request."

Supervisor Cardinale: "Great. Great. I know Jim. Jim, why don't you come on up and indicate to the Board what you would like?"

Jim Cahill: "Yes, good afternoon. Thank you for your time. My name is Jim Cahill.

I am here today with DeeDee Newcomb representing the Bread and More Soup Kitchen, an affiliate of the Interfaith Nutritional Network (INN). I would like to first thank the Town Board and Andrea Lohneiss, the director of Community Development, for their continued support of Bread and More.

I'm sure you're all aware how difficult it is for many of our neighbors to manage in this difficult economy. Bread and More INN

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provides a free nutritious hot dinner in downtown Riverhead, at the First Congregational Church of Riverhead, to anyone who is in need.

A year ago this past September, we expanded serving to three nights a week and each week we serve over 300 meals. These hungry people are men and women, families with children and infants. They are the elderly and frail. Some are migrant workers and some are mentally or physically handicapped. Others are temporarily unable to make ends meet. They are all in need of the food we provide and they are grateful for the help they receive. For some, this is the only meal of their day.

We are an all volunteer organization - no one is paid for their services nor is any member reimbursed for expenses. As you consider the 2005 allotments for the Community Development Block Grant we hope you will continue to be as generous and considerate as you have been in the past of those in our community who are less fortunate.

We are hoping that even in these times of tight budgets, the Town Board and Community Development Agency will be able to increase our grant from the current \$4,320.00 to perhaps \$4,600 in 2005.

Your generosity greatly helps us to provide a steady source of food and hope for the hundreds of men, women and children we serve each week.

Thank you again for your support and taking the time today to listen to our plea on behalf of those in Riverhead who are in need."

Supervisor Cardinale: "Thank you, Jim. Thank you for your good work, too."

Jim Cahill: "Thank you. (Inaudible) a copy."

Supervisor Cardinale: "Yes, please. You can give that to the Clerk and she'll get it to us. Thanks.

Can we have the next speaker, please?"

Barbara Kujawski: "Good afternoon, I'm Barbara Kujawski with the Dominican Sisters Family Health Services and I gave everybody a letter with the statistics of what we accomplished last year with the grant you gave us and what we're asking for this year.

As you can see from the letter- Sister Margaret Mary's letter,

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we- in nine months, we've already exceeded what we did last year for the whole year. I'm here to try and give a face to the people we serve in Riverhead.

I came to work this morning, the first telephone call I had was an elderly lady in the mobile home park in Aquebogue crying because she didn't have a ride to her doctor. She had an ulcerated leg that was going to gangrene and she had to get to her 1:00 doctor's appointment and the Supervisor's office told her to call me because the town shuttle couldn't pick her up today. Well fortunately I had a lovely volunteer in Jamesport who wasn't doing anything this afternoon; she got to her doctor's appointment.

The second call was from Sister Margaret Mary. We have two blind gentlemen who are both under 60 so they don't fall in any other programs. Our Helping Hands are in there, they do cleaning and grocery shopping and laundry for them. One was calling that he needed a prescription picked up so we dispatched somebody to go get his prescription.

Our waiting list on the Helping Hands program has exceeded what we can service right now. We have to hire another person for the North Fork. The waiting list is getting out of hand.

As your population grows, and it's growing very rapidly, I don't have to tell you, our work load increases also and because these programs that we institute and run are not funded by anybody other than our fund raising and grants, we are very happy for what you've given us and are, of course, asking for more next year.

Thank you very much for listening."

Supervisor Cardinale: "Thank you. Are there any other speakers? Yes, front row."

Mary Rubert: "Good afternoon. My name is Mary Rubert. I'm coordinator of social ministry here at St. John's parish in Riverhead.

We run a food pantry and also a referral agency where we refer clients to other agencies in the area. Over the past year we had received a grant from Southampton town to help the people within the Flanders area, the town that's covered by our parish. And we were able to use that funding to provide for clients who could not get help from Department of Social Services, could not seek help from

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Catholic Charities, and we're looking for the same type of grant from the town of Riverhead to cover a much larger population than the people we cover in Southampton town.

I have sheets for you with statistics that show what we've been doing. We're a one paid staff member and I've got 32 volunteers that work several days a week to provide food and to manage and provide for our clients. This is our first request from the town and we'd be looking for \$15,000 or whatever you could give to us.

Thank you."

Supervisor Cardinale: "Thank you. Yes, next speaker, please."

Felicia Scocozza: "Good afternoon. My name is Felicia Scocozza and I'm the executive director of Riverhead Community Awareness Program. We are once again requesting from the Town of Riverhead Community Development Agency funds to help support our alcohol and drug prevention and education services for students in Riverhead schools.

Since 1982, CAP has been the major provider of prevention programs for the Town of Riverhead and the Riverhead school district. We've grateful for the support you've given us in the past. However, we're once again anticipating a severe budget deficit in 2005.

The grant we're requesting this year will provide 60 full days of counseling and prevention programs for students and their families in Roanoke Avenue Elementary School. These services will be provided by a New York State certified social worker who is bilingual in English and Spanish.

The following data demonstrate that the majority of students at Roanoke Avenue School have characteristics that put them at risk and further support the need for the CAP social worker. According to the 2203/2004 BEDS report, over 50% of the students in Roanoke Avenue School receive free or reduced lunch compared to 28% for the district overall and over 50% belong to a minority group compared to 37% for the district overall.

The BEDS report also indicates that the main source of income for 51 to 60% of the students and their families at Roanoke Avenue is public welfare compared to 22 to 31% for the district overall.

Although the exact number of students from single parent,

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divorced, separated or blended families is not available, staff estimates this to exceed 66%. In addition 95% of the students and families served by Community Development funds in the past came from very low income families.

Once again, thank you for your hearing of my request."

Supervisor Cardinale: "Thank you. Could we have- yes, next speaker, please."

Robyn Berger-Gaston: "Sorry, broken microphone."

Supervisor Cardinale: "Robyn with a broken microphone, yeah."

Robyn Berger-Gaston: "I'll be right with you. Okay. I'm sorry. Robyn Berger-Gaston, from Family Service League, Riverhead Family Center.

Case managers, educators and mental health workers make up the team of professionals at Family Service League Riverhead Family Center. Services provided are individual and family counseling, substance abuse treatment, relief and welfare, information and referral, and a number of different psycho educational programs.

Funds from the Town of Riverhead Community Development Block Grant specifically support programs geared toward reducing family violence, community violence and violence in our schools. In 2004, 70 Riverhead parents successfully completed our intensive eight week parenting skills education course. The provision of childcare concurrent with this course made the parents' attendance possible. Adult and child graduates of the parenting education series are then assessed for other areas of need, such as mental health services, substance abuse treatment, case management and vocational programs.

This funding has also enable staff to provide 125 second graders in the Riverhead Central School district with the nationally acclaimed Second Step violence prevention program. Our lead staff person in this project is now certified to train other teachers in this method.

Overall, more than 1500 individuals receive help from the Riverhead Family Center. Positive outcomes of our work in parenting education and anger management are seen in the reduction of client involvement with Child Protective Services and the police. Outcomes for those receiving mental health services are demonstrated in improved Global Assessment of Functioning (GAF) scores.

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We are proud of the quality of services we provide and are grateful to the Town of Riverhead for continued support in these endeavors.

Thank you."

Supervisor Cardinale: "Thank you."

Linda Fleming: "Hello. I'm Linda Fleming, Executive Director of Alternatives Counseling Services. Give them to each one of- to the Councilpeople.

I'd like to introduce our request and then Felix (inaudible), director of our Spanish services will continue.

We- Alternatives has been in Riverhead since 1977. We've been on the east end for 35 years. We've been providing chemical dependency services for the community. We've a non-profit organization. And you have supported us at different times with different programs.

Last year we came to you for support for a program we were just developing to provide clinical services to the Spanish speaking population and at that time we were just beginning the program and it's been very successful and its success in part is because we have a wonderful person leading it but also because the need is really there.

And I know that the Community Development funds is a small pot of money and I also know you have a lot of people with really worthy cause asking for those funds. I just hope that you will be able to provide us with some money because every penny that you give us does help.

We've given you a graph and also there's some statistics in terms that Felix has found in terms of who the population we are serving. But I'll let him tell you things about the program."

Felix (inaudible): "Good afternoon. My name is Felix (inaudible) as Linda said. And for the last year we've had a great opportunity at Alternatives Counseling Services. We have been able to develop a program that is not only bilingual but also culturally sensitive and we've been able to provide services that address the needs of the Hispanic community that has been lacking services for

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substance abuse treatment.

We have been able to develop programs of individual therapy, group therapy, and also psycho educational services which are also open to the community at large.

We've had a total of 44 people who have participated in a psycho educational service and at this point we probably have 25 people who have received psycho therapy treatment at the agency.

At the same time, we have a great need to fulfill now because we average between 10 and 15 people on our waiting list and that signifies that we are in need to hire another professional who can serve the community and we've been making contacts throughout the community to try to find someone who can work in Spanish and also have the cultural sensitivity that is need to work with the population.

So we thank you and- we thank you for your support and we ask you to continue your support, understanding that this is a large sector of the community who is under-served and who we have the opportunity of serving in a competent manner. Thank you."

Supervisor Cardinale: "Thank you."

Linda Fleming: "Are we on television?"

Supervisor Cardinale: "You are."

Linda Fleming: "So let me say this to television-land. We have been looking for about three months to try to find a part time Spanish speaking counselor so I'm using this opportunity. Anybody knows anybody, you can believe me. I've tried to network as much as possible on this. If you're three years old, five years old, I don't care. But as long as they speak Spanish- no. We really are looking for someone. So if anyone knows someone, have them contact us at Alternatives.

Supervisor Cardinale: "Thank you. Okay. Is there any other speakers who would like to present to us? Yes."

Nancy Witt: "Hello. My name is Nancy Witt. I'm the Eastern Region Coordinator for Literacy Suffolk, Inc. I'd like to begin by thanking the Riverhead Town for their past support of our program.

Literacy Suffolk, Inc. formerly Literacy Volunteers of America

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Suffolk County, is in its 26th year of service to the residents of this county. The Riverhead site was started in 1988 at the Riverhead Free Library and basically what we do is we provide free tutoring for adults who wish to learn how to read, write or speak English.

Currently right now we have 259 students being tutored by 123 volunteers and our waiting list continues to grow here in Riverhead. Presently we have 199 students waiting. We don't need to recruit students. Our students come to us. They bring their families and friends because our program is so rewarding for them and we help them with the survival skills they need for their jobs.

We have two work place projects right now. One with the Best Yet employees and one with Bed and Borders (phonetic). Their employees are upgrading their English skills to improve their work skills. The store manager just recently shared with the tutor how the students are doing so much better in their jobs and they're even teaching fellow workers how to speak English.

We'd like to ask you for your continued support in the amount of \$10,000 and thank you very much."

Supervisor Cardinale: "Thank you. Is there any other member out there that would like to- member of the public that would like to speak to us in regard to these Community Development Block grants allocations for 2005?

If not, I will note that it is 2:35 and keep this open for five days for further comment in writing and then we'll determine what we're going to do.

Andrea, did you have any comment that you wanted to make before we close the hearing?"

Andrea Lohneiss: "Just by way of summary. We hold this hearing every year. The projects that are proposed must either benefit low to moderate income people or eliminate slums and blight in the community. So there are some constraints on the funding.

We expect to get the same amount approximately as the last few years, around \$190,000. No more than 15% of that total can go towards these public service projects and that's very unfortunate because that's obviously where all of the demand is coming from, is the public service category projects.

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So we will have to- the Board has to assess all of the requests that were made and fit that into 15% of the total that we expect to have.

As the Supervisor said, we will accept- a few people couldn't make it today, we will accept requests until five business days- "

Supervisor Cardinale: "Yeah. We could certainly go through next Wednesday at- "

Andrea Lohneiss: "Okay."

Supervisor Cardinale: "-- close of business, 5:00 p.m."

Andrea Lohneiss: "That would be fine."

Supervisor Cardinale: "Which is November 10th."

Andrea Lohneiss: "Okay. And then the Board has to make their final decision and the application has to be submitted to the County by November 26th."

Supervisor Cardinale: "Okay. And the 15% is of that full number that you have?"

Andrea Lohneiss: "Yes. We've been advised- 191- "

Supervisor Cardinale: "And what do we do with the other 85%?"

Andrea Lohneiss: "We've used it for historic preservation projects, capital projects, sidewalk improvements."

Supervisor Cardinale: "I see."

Andrea Lohneiss: "Improvements at the East End Arts- "

Supervisor Cardinale: "We can only use 15% for that particular category?"

Andrea Lohneiss: "Right."

Supervisor Cardinale: "Thank you. Okay. That being said, I'm going to close the hearing now at 2:37 and keep it open for written comment only until 5:00 p.m. on the 10th of November."

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Public Hearing closed: 2:37 p.m
Left open for written comment to
November 10, 2004

Public Hearing opened: 2:38 p.m.

Supervisor Cardinale: "Okay, the next hearing scheduled for 2:10, I'd like to open at 2:38. The consideration of the incorporation of certain private roads into the Town of Riverhead highway system pursuant to New York State Highway law.

Would you like to introduce this, please?"

Sean Walter: "Mr. Supervisor, we're going to make a short presentation. As you said, this is pursuant to Highway Law Section 189. The first thing I want to say is that we've researched-received a couple inquiries about Dunlookin Lane and the Highway Superintendent has gone out and looked at Dunlookin Lane in the Jamesport area and he'd like to have the Board remove it from the list. So he may make some comments on that in the future.

But what I'd like to do is invite Mr. Ronald Caffrey up and we've got some questions and we're going to swear him in and then from there, I guess, go to public comments."

Supervisor Cardinale: "Thank you."

Sean Walter: "Mr. Caffrey, can you state your name for the record?"

Ronald Caffrey: "Ronald Caffrey."

Sean Walter: "Would you raise your right hand, sir? Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?"

Ronald Caffrey: "Yes, I do."

Sean Walter: "Mr. Caffrey, can you tell the Board where you presently work?"

Ronald Caffrey: "Town of Riverhead Highway."

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Sean Walter: "And how long have you worked in that capacity?"

Ronald Caffrey: "Twenty-three years."

Sean Walter: "And are you familiar with all the roads in the Town of Riverhead over that 23 year period?"

Ronald Caffrey: "Yes, I am."

Sean Walter: "I'm handing you a list of roads, with the exception of Dunlookin Lane that was provided and published in the Riverhead Town Clerk's- in the News-Review by the Riverhead Town Clerk. Are you familiar with these roads?"

Ronald Caffrey: "Yes, I am."

Sean Walter: "To the best of your knowledge, can you tell me whether these roads have been open to the public for a continuous period of 10 years or more in an uninterrupted fashion?"

Ronald Caffrey: "Yes, they have."

Sean Walter: "Can you tell me for that same 10 year period, have these roads been maintained by the Town of Riverhead Highway Department in terms of being repaired, including snow plowing, road repair, paving, erection of town signs (inaudible), when necessary?"

Ronald Caffrey: "Yes, they have."

Sean Walter: "And has the town controlled these roads, exercised complete control over these roads for a period of 10 years or more?"

Ronald Caffrey: "Yes, they have."

Sean Walter: "Okay, that's it. Thank you."

Supervisor Cardinale: "Thank you. Okay, can I hear from- if you'll stick around, Sean, and see if we have any questions that you might be able to help us with. And I'd like to hear from the public as to whether they have any comment. Yes, please come up, Charles."

Charles Cuddy: "This will be brief. I'm Charles Cuddy, I appear on behalf of Jamesport East Property Owners Association and

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also individuals, Eric Kelly, among them, who live on Dunlookin Lane and I've heard that you've withdrawn, at least temporarily, consideration of Dunlookin Lane and I would ask that in the future, that I would get notice and the Property Owners Association would get notice if it is every to be put back on again because we absolutely oppose this being included in the highway system of Riverhead."

Supervisor Cardinale: "Very good. That's one of the reason we had this hearing was to hear from any abutting owners that did object."

Charles Cuddy: "We have a presentation but we'll not do it today because it's not on."

Supervisor Cardinale: "Okay. I understand. Thank you. Yes, can I have the next speaker, please?"

Claire Bennett: "Hi. My name is Claire Bennett. I live on Oakwood Drive which is one of the roads that are mentioned. And in looking up on the internet, the section 189 which is referred to, it mentions that the town would maintain the road the width of three rods which I found equals 39 and $\frac{1}{2}$ - 49 and $\frac{1}{2}$ feet.

And I wanted to find if that is what they would be doing because about a year ago the town did come down, we had been maintaining the road by putting (inaudible) material down but the town would come for us over the past 10 years or more- I've only been living there eight, but- and they would grade whatever material we would put down.

Last year they did pave it. There is a right of way that is 25 feet wide on one side of the street and 25 feet on the other side of the street. What they paved last year was only the one 25 of the whole 50 foot total right of way. I want to know if they ever plan to make it 49 feet as this 189 mentions- said they will. Not that we want them to but I just want to know if they intend to.

And then the other part of this is one side of the street which is the side of the street that was paved last year by the town, all the properties on that side of the street, the right of way section of the property is connected as one big strip of property which there are no taxes paid on because it's a right of way.

However, on my side of the street, that right of way, our side- our part of the 25- the 50, our 25, is still on our property. Is the town actually going to be changing our tax maps and withdrawing that

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25 feet from our actual property as has already been done on the other side of the street? Is my question."

Supervisor Cardinale: "What's the name of your street?"

Claire Bennett: "Oakwood Drive. There are four properties that this is in regard to. Two of them are owned by either the state or the county. They bought them about two years ago as reserved property land and then two lots, mine and another neighbor's, do not have that, you know, still have the right of way connected to our property. And I just wanted to know- that we want it 49 feet wide, but if it is and are you going to be, you know, legally removing it, that right of way off of our tax map."

Supervisor Cardinale: "Does it- did you say three rods and that's equivalent to 49?"

Claire Bennett: "I had to do a little research. I didn't know what a rod was- "

Supervisor Cardinale: "And what was the footage?"

Claire Bennett: "-- equals 49 and ½ feet. It said- the statute says- "

Councilman Densieski: "I think a rod is 16 feet."

Claire Bennett: "Yes."

Supervisor Cardinale: "Okay."

Claire Bennett: "Yes. It says 16 and a half is one rod; three makes it 49 and a half. I didn't know what a rod was."

Supervisor Cardinale: "Okay. Let me have Sean come up for a moment and- this is a good question and it's something that when we considered this public hearing and any action to follow, we discussed. I had- I should point out that I don't have it in front of me but I have it at my office, I had requested and received an affidavit from the Highway Superintendent assuring the Board that none of these roads would require to his knowledge required any greater maintenance in addition to the fact that he'd been doing it for these years as he's testified, but that will not require greater maintenance than other roads within the town, for example, engineering, drainage and the like.

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And I also spoke with Mr. Kasperovich at some length in my office recently and he brought up the same issue you brought up which is what I'm going to pose to the town attorney to either answer or research. As we know, roads are traveled and/or paved portions and then the rest of it is the right of way in which they exist.

When we say we're taking over these roads, if it's a mapped road, I presume we're taking over the mapped road, both the paved and the unpaved portions of it. And if it's- that's relatively straightforward. It's a 50 foot area. But if it's an unmapped road which I assume exists in certain situations which the road was established before 1960- before we had a Planning Board in '64, what exactly are we taking over?

Mr. Kasperovich and I spent about a half hour in the office recently and he was concerned about this (inaudible). He suggested that at least we should say that we're taking over the entire width- the entire right of way for its entire width and length including unpaved portions thereof which is very easy to ascertain what we're taking over if you have a mapped road of 50 feet.

But what about when it's unmapped? What exactly are we taking over? Do you have any thoughts on that, Sean?"

Sean Walter: "I have case law on that."

Supervisor Cardinale: "Good."

Sean Walter: "What- there's- well the case law may not be conclusive but what the cases have shown is that we are taking over the area actually traveled. We're not taking over any- and this would be the same with a mapped road although I would venture a guess that most of these are not mapped roads- "

Supervisor Cardinale: "Right."

Sean Walter: "We would only be taking over the actual area that is traveled. So if there are easement areas on the sides, we would not be taking that over."

The case law also shows that for the most part, that the Highway Superintendent does not have to open it up to three rods in width. In fact, there's one case Desmond v. the Town of Summit (phonetic) where they determined that that was pure dictum in the highway

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statute and that they only had to take over the actual traveled portion of the road. That's our intention, is to take over that.

The opinion- there's opinion of the Attorney General and the Attorney General has said that if you're going to take over more than the actual traveled portion of the road, you are going to have to compensate the property owners for it.

So it's our position in the town attorney's office that we would only be taking over the traveled portion of the road and we would not be increasing these to three rods in width pursuant to the applicable case law."

Supervisor Cardinale: "Are you comfortable- you're comfortable that that is solid case law which you just recited?"

Sean Walter: "It's as solid case law as you can get. Yes."

Supervisor Cardinale: "Okay, now, that's good that you clarified it but to anticipate Mr. Kasperovich's question, if you're only taking over the traveled portion, how do we know what is currently traveled so that we have clarity when Mr. Kwasna our Highway Superintendent goes out there to repave or to do work, that he's not operating on other people's property? There's no dimensions on these roads, there's no width, there's no length."

Sean Walter: "That's correct. This is the case with any sort of proscriptive easement because what we really are taking over here is the proscriptive easement the public has on the road. And it's going to be field- determined in the field, and when Mr. Kwasna goes out to pave these roads, he's going to have to make a judgment that this is, you know, and what the width of the road is, that's all he's going to be able to pave.

As far as roads that have some degree of pavement on them, it would be my position and I would convey this information to Mr. Kwasna, I'm sure he's standing here someplace, that he could only pave what had been previously paved or improved.

And that's the same with a dirt road. You're not going to go knocking trees down or anything of that nature. You are just going to be dealing with whatever is open and used by the public. So it would be short of going out and surveying all these roads, because I've had a similar conversation with Mr. Kasperovich, I don't think that we could come up with dimensions and that would be rather

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expensive to survey the roads."

Supervisor Cardinale: "Well it's certainly much clearer and I thank you for the explanation. It was clear and to the point. What we're doing is simply what is the currently traveled portion. That currently traveled portion is to some extent I think particularly with dirt roads like the high tide mark on the beach. It is- "

Sean Walter: "It's a good analogy."

Supervisor Cardinale: "-- it's within a reasonable range. It is different things to different people. So I get what you're saying. I understand the difficulty of going out and actually doing a survey of each road and (inaudible), that it is, it's eight feet wide, it goes to nine and a half at this point and then it goes back down to seven point eight."

Sean Walter: "Right."

Supervisor Cardinale: "We're not going to do that. We're going to take over what is the traveled portion and henceforth maintain that as a public highway."

Sean Walter: "And anything beyond that we would have to compensate the owners for anyway."

Supervisor Cardinale: "So that would be impossible to do- "

Sean Walter: "That would be impossible."

Supervisor Cardinale: "-- if we wanted to which we don't necessarily."

Sean Walter: "Correct."

Supervisor Cardinale: "Okay."

Sean Walter: "And there's one- she made- the young lady made one other comment about a portion of the road that's untaxed. I'm sure that's an oversight and we can get right on that."

Supervisor Cardinale: "I would not expect any- in a straightforward answer, is that we do not expect up or down movement on your tax bill."

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Claire Bennett: "Right. Yeah, that's what I wanted to know. All right. Thank you very much."

Supervisor Cardinale: "Yes, Sid."

Sid Bail: "Sid Bail, President of the Wading River Civic Association. I'm here to indicate that the Civic Association favors the incorporation of certain private roads into the Riverhead highway system.

There are 39 of these roads in Wading River alone and having lived on one of these for 13 years and it does become something of a venture. And we talk about not all of these roads but some of the roads, you talk about moderately or affordable priced housing. There's a significant amount of, I hate to say \$300,000 being affordable, I shutter at that, you know, thing, but the reality of, so I think you would be helping out a lot of young folks on those roads and also some senior citizens as well. So we strongly favor this. Thank you."

Supervisor Cardinale: "Thank you, Sid. Yes, next comment, please."

Cindy Keenan: "My name is Cindy Keenan. I live on Flag Hill Drive in Baiting Hollow. The road was constructed in the mid '60's to service the then Flag Country Club and has been maintained since the town- maintained by the town and used by the public since that time. And I would like it to be incorporated into your list of roads that will be taken over by the town. And- "

Supervisor Cardinale: "Can you give me the name of the road again?"

Cindy Keenan: "Flag Hill Drive, Baiting Hollow."

Supervisor Cardinale: "Baiting Hollow. Is Mark here?"

Barbara Grattan: "Cindy, could I have your last name again?"

Cindy Keenan: "Keenan, K-E-E-N-A-N."

Supervisor Cardinale: "Mark, are you here? Could you come up for a second? Do you know where this road is, Mark? Do you have an opinion as to whether- would you come up, please? Sean- "

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Sean Walter: "I'm going to get Mark."

Supervisor Cardinale: "Oh, good. Okay. Mark- "

Mark Kwasna: "Yes, I'm familiar with the road, Flag Hill Drive."

Supervisor Cardinale: "One of the questions that Barbara just raised, I'll begin with, is is that a condominium association owned road?"

Mark Kwasna: "No. It's a separate road that used to go into the golf course just north of the road that goes into the condos. I just want, if anybody else is planning on coming up today also, it wasn't stated that this is our first attempt at a list of roads in the town that we want to bring in, get (inaudible) moneys for and that's why we brought the list in front of the Town Board.

There are other roads such as Flag Hill Drive that we are considering for a future public hearing and we probably have about another 10 or 15 roads for future public hearing. It's nice that they come in here and make us aware of it, but we'll make sure that it is on the list for the next go around."

Supervisor Cardinale: "Okay. There are 84 roads on this- 83 now that Dunlookin is off- "

Mark Kwasna: "Right."

Supervisor Cardinale: "-- do you anticipate- you anticipate about another 15 or so?"

Mark Kwasna: "I'm not exactly sure."

Supervisor Cardinale: "Okay."

Mark Kwasna: "But like as ones come up, people call and we have- you've probably seen, we've had some petitions come in in the past month or so from us from some other communities- "

Supervisor Cardinale: "That's right. Yeah, I just- "

Mark Kwasna: "-- and we're going to look at them each individually and when the time comes, maybe a few months, we'll go through this again."

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Supervisor Cardinale: "I think there was one on Marlene or something like that."

Mark Kwasna: "Yeah, in Calverton. Yes, off of Kay Road."

Supervisor Cardinale: "You'll look at this one, that one and in the next six months, we'll supplement it with some list. It will be something between one and 20."

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Cindy Keenan: "Why do the 80 roads you're currently dealing with have preference over my street?"

Mark Kwasna: "We just had to start somewhere. We had to start somewhere and why your road wasn't included, I don't have an answer for that, to tell you the truth. It's the same as a few other roads in the town that were left off the list and- "

Supervisor Cardinale: "And importantly we would have to- now we're- since we advertised for those 84, we'd have to have a separate hearing anyway on the others. So we will do that and you should keep in touch with Mark to make sure that he gets it to us."

Mark Kwasna: "Also- "

Supervisor Cardinale: "As soon as he gets us the list, we'll have a second hearing."

Mark Kwasna: "All right. So what I want everybody to understand, this public hearing is only so that we can get state money for these roads. As far as state law goes, these are already town maintained roads and you can't change that. You can't put them back to being private roads without the Town Board passing a resolution to abandon the road.

The Town Board will have to pass a resolution by state law to abandon the road and then we would stop plowing it and stop maintaining it. But if your road has been maintained and plowed for the past 10 years, it's too late. It's already a town maintained road and it can't go back to being a private road without the Town Board passing a resolution.

The reason for the resolution we need today is it's the only way we can get state funding for maintaining these roads, that we've been maintaining some of them for 50 years and not receiving any state fund- money for maintaining them.

So that's the reason I said we've got to do this. I don't want to go another 50 years of maintaining these roads and not getting any state funding for it. All right?

And I think there was another question earlier about the width."

Cindy Keegan: "Can I ask one more thing?"

Mark Kwasna: "Yes."

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Cindy Keegan: "What's the time frame for when you expect to get the next round of roads done?"

Mark Kwasna: "As soon as we can. But like I said, this is only so that we can receive state funding. It doesn't mean your road is a private road. You understand? If we've been plowing them for 10 years, we're committed now. We have to keep plowing, we can't stop unless they want to pass a resolution saying Flag Hill Drive is abandoned, the town will no longer take care of it. All right?"

Cindy Keegan: "All right. Thank you."

Supervisor Cardinale: "Thank you, Mark."

Mark Kwasna: "Right."

Supervisor Cardinale: "Sean, would you come up for a second. I just want to- "

Mark Kwasna: "I have another clarification also."

Supervisor Cardinale: "Yes."

Mark Kwasna: "You say on the metes and bounds on these roads. If you open up the Suffolk County tax map book, all these roads are shown in the book as being a road and they have no tax map numbers on them. Nobody's paying taxes on them. They're in the Suffolk County tax map book and it gives the footage and how wide they are and how long they are."

Supervisor Cardinale: "Yeah. Thanks."

Mark Kwasna: "All right."

Supervisor Cardinale: "I wouldn't rely too directly on that book though because they're often off. Would you come up? I just want to clarify. I assume the reason for the testimony initiating this particular hearing that they have been maintained for 10 years, etc., is the criteria which brings these 84 roads in as town maintained highways."

Sean Walter: "That's correct. This is a question of fact- "

Supervisor Cardinale: "Right."

Sean Walter: "-- that the Town Board has to answer because the

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Town Board is the ones that are charged to put it into the inventory so as Mark said they would be recognized by the state for highway dollars. And we had Mr. Caffrey come in and testify to establish the question of fact."

Supervisor Cardinale: "Right."

Sean Walter: "So until that was established and adopted by the Town Board it's my official town attorney's position that they're private roads until such time as the Town Board establishes these questions of fact."

Supervisor Cardinale: "Yeah. And what in effect we're doing is not insisting that people go through the trouble of establishing that in court. We're simply acknowledging it off of the affidavit of our Superintendent of Highways and his records over the last 10 years."

Sean Walter: "That's correct."

Supervisor Cardinale: "That he's been maintaining them. And I think what Mark was saying is that if asked the question, he would answer the same way as they answered for the previous ones, the 84 that are before us today. But this underscores- "

Sean Walter: "It's actually 75 and we reduced it to 74."

Supervisor Cardinale: "Okay. I'm sorry then, I must- 74 roads."

Sean Walter: "Seventy-four roads."

Supervisor Cardinale: "If that's the case, that underscores what I was indicating earlier that the other roads not mentioned in this public hearing would require another public hearing. We can't just add that road now because we have to notice it for public hearing, get that information or testimony on the record. I would assume we'd have to do that."

Sean Walter: "There's no notice requirement and there's no public hearing requirement in the Highway law."

Supervisor Cardinale: "It has to be an affidavit- "

Sean Walter: "You could do it- as long as the Town Board established the question of fact- "

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Supervisor Cardinale: "Okay."

Sean Walter: "-- and the reason we held the public hearing was a public service to the town residents who come in to tell us things like Dunlookin Lane and some other roads and then establish the questions of fact before the Board where the public had an opportunity to question any individual- "

Supervisor Cardinale: "So any affirmation or affidavit would do for that purpose?"

Sean Walter: "That's correct. So Flag- I wrote it down, that could be incorporated at this particular time if we, I think we probably did establish through the testimony that it has been opened and maintained by the public- opened for 10 years and continuously maintained by the town for a 10 year period where we exercised dominion and control over it."

Supervisor Cardinale: "Has that been- is that the case, Mark?"

Sean Walter: "I think we would need Ron to answer that question."

Supervisor Cardinale: "Ron. If that's the case and if there's no objection, maybe we can just wrap up that road now. Ron, one second. We'll hear from Ron and then I want to hear from you. Ron- you want to ask that question, please, Sean? Ask that question of Ron in regard to this road."

Sean Walter: "Ron, Flag Hill Drive, are you familiar with this road in Baiting Hollow?"

Ron Caffrey: "Yes."

Sean Walter: "Has this road been opened to the public continuously and uninterrupted for a period of 10 years or more?"

Ron Caffrey: "Yes."

Sean Walter: "Has the Town of Riverhead exercised dominion and control over the road through snow plowing, road repair, paving, erection of town signs, drainage improvements when necessary?"

Ron Caffrey: "Yes."

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Sean Walter: "Okay."

Supervisor Cardinale: "All right. Thanks. So maybe we can accommodate the young lady that took the afternoon off and incorporate it now. Would you come up, please, Rolf?"

Rolf Koesling: "Rolf Koesling, Wading River. One question I have. Does this include the Wildwood Hills roads?"

Supervisor Cardinale: "Ah, I do not- that was a separate resolution and it does not include those. And the reason for that is because those roads are being offered by a deed and we would be passing the two resolutions at the same time. But they're different because these, we're taking over proscriptive easement of the traveled way as described by Sean. In those roads, we're taking over the right of way by deed."

Rolf Koesling: "The whole 50 feet."

Supervisor Cardinale: "Right."

Rolf Koesling: "I just want to call your attention to something. You're working on the 1936 map."

Supervisor Cardinale: "In that case, yes."

Rolf Koesling: "Okay. I happen to have one home, too. If you are only going to do the map portion, you're going to be running short about 300 feet. There's- on Cedar Road and Cliff Road, on the west side, there's about 150 feet that was only added- where Hulse developed about into the 1940's. These 150 feet-- approximately 150 feet are not on that map what you're looking at. So consider you've got Wildwood Hills development and on the west side, you've got approximately on Cedar Road and on Cliff Road another 150 feet which is about one, two, three, four, five, six more houses."

Supervisor Cardinale: "Yeah. And it's further complicated by the fact- we'll have Sean, I guess look at it, but if the deed did not include that, we're not going to have control over it because the deed did not include it. So maybe we should check, Sean, whether that deed includes that extra 300 feet."

Rolf Koesling: "Cedar Road and Cliff Road. The west end. They were only developed by Hulse oh I would say in the 1940's. Originally there was supposed to be a right of way for Wildwood Acres. When he divided Wildwood Acres up, he was going to use that

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as a right of way to get down to the beach but then he changed his mind and sold them off as lots separately."

Supervisor Cardinale: "Well, thank you for bringing it to our attention. You are a wealth of historical information, Rolf."

Rolf Koesling: "Well, I've been there long enough."

Supervisor Cardinale: "Yeah, that helps. That helps. Thank you."

Sean Walter: (Inaudible)

Supervisor Cardinale: "Yeah, why don't we do that. You want to do that, please?"

Sean Walter: "Ron, one more time, please. Are there any other roads before we- "

Supervisor Cardinale: "Not that I'm aware of yet."

Sean Walter: "Ron- "

Ron Caffrey: "I'm going to have to look it up because I don't- "

Sean Walter: "You're not familiar with that?"

Ron Caffrey: "I think but I'm not really sure. Is that the one that runs down around the corner to the beach?"

Rolf Koesling: "No, no, no."

Ron Caffrey: "Then I'm going to have to look it up."

Sean Walter: "Okay."

Supervisor Cardinale: "All right, so we can do that by affirmation if we need to. Thank you."

Rolf Koesling: "It's off- part of Cliff Road (inaudible)."

Supervisor Cardinale: "A written affirmation I mean."

Sean Walter: "I would just say that this is somewhat imprecise taking over the proscriptive easement so I mean we're not going to be getting the level of detail that we might otherwise."

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Supervisor Cardinale: "Right, I understand what you're saying. Okay, is there any other comment from the public? Okay, this young lady and then Bill, please."

Diane Hubert: "Yeah. I live- I'm Diana Hubert and I live on Apple Lane and Terry Road in Wading River. And I'm concerned because I have a 750 foot private driveway, but my address is 1 Apple and I've always been confused since I moved there. Six years ago, I had a house built. Is that private driveway also going to be considered a public road?"

Supervisor Cardinale: "Sean will answer it because he's counsel but- "

Diane Hubert: "Because that does not get plowed."

Supervisor Cardinale: "Yeah."

Diane Hubert: "It doesn't get plowed."

Supervisor Cardinale: "That would simply be your driveway into your property from the private road for the community now going to be a public road. So it would not incorporate the 750 feet."

Diane Hubert: "You're not- even though it includes three of us down there?"

Supervisor Cardinale: "That road that comes in?"

Diane Hubert: "Yes."

Supervisor Cardinale: "Let me not answer it until I know exactly what I'm answering. Sean, do you know this area?"

Sean Walter: "I'm not familiar with this particular- "

Supervisor Cardinale: "It was only built six years ago, I presume it was a mapped subdivision."

Diane Hubert: "It's off Terry Road, North Wading River Road, Terry Road and Apple Lane. And I have a private driveway that goes back 750 feet. There are three people that live on that road now."

Supervisor Cardinale: "Yeah."

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Diane Hubert: "And I'm the newest house."

Supervisor Cardinale: "Is that a shared driveway?"

Diane Hubert: "Yes, it is."

Supervisor Cardinale: "Is that a three lot subdivision?"

Diane Hubert: "That's correct."

Supervisor Cardinale: "And it was put together in the '90's, like- "

Diane Hubert: "Yes. I built in '95 but the two houses were there prior to me."

Supervisor Cardinale: "Okay. I'd like- we should look at the subdivision file."

Sean Walter: "Does Apple Lane or Terry Road exist beyond your driveway?"

Diane Hubert: "Not that I'm aware of. You're talking about the private driveway?"

Sean Walter: "Yes."

Diane Hubert: "Not that I'm aware of. It stops at the end of the third house that's down there. It stops. Is it a flag lot? I know there's a turn around back there but I don't know- "

Mark Kwasna: "But it's not on our map as being- "

Supervisor Cardinale: "It's not a part of the road we're taking over."

Diane Hubert: "It's definitely not maintained. I know that. Okay."

Another question that I have is if these private roads become public, does that mean that the school buses are going to be able to come down there now because they do not come down there now?"

Supervisor Cardinale: "That- the indication is yes but I wanted to get- make sure Sean agrees. Sean, do you have any indication- "

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Sean Walter: "I agree with the town attorney."

Supervisor Cardinale: "You are the town attorney."

(Some inaudible discussion among the Town Board members)

Diane Hubert: "And I have another really easy question."

Supervisor Cardinale: "If the road is a dedicated road, I'm told by people on the Board here and by Sean confirming, if the road is dedicated, a school bus will come down it."

Sean Walter: "I can't comment on what the school district would or won't do because they may not be able to turn the bus around."

Supervisor Cardinale: "Right. That's my point."

Sean Walter: "If it's a public road, there's no prohibition."

Supervisor Cardinale: "If it's dedicated."

Diane Hubert: "Okay. Because they had told us they weren't doing it because it was a private road."

Supervisor Cardinale: "That's their policy. This would- if that's the only reason, they should go down it. They may- unless there's a reason, for example, yes it's a public road taken over by proscriptive easement, this roadway, but it's not big enough for us to turn our bus out of it, that's another issue. As long as it's got no other technical problems, their position has been if it's a dedicated road, they'll go down it."

Diane Hubert: "Okay. Now I have two really easy questions, I think. If this does go down, will I have to change my deed because of the amount of roads that are taken away from my property?"

Supervisor Cardinale: "Oh, the town attorney is right here, yes, she says no, you do not have to change your deed but again you're not paying for this legal advice so it's probably worth what you're paying."

Supervisor Cardinale: "I'm trying to protect you guys or at least- you can't get a fee so you might as well get protection."

Diane Hubert: "And I guess the most important question is, is

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his going to affect the taxes? I pay skyrocket taxes now and I'm not really into paying any more."

Supervisor Cardinale: "No. This should have no impact on your taxes unless it turns out that the (inaudible) monies exceeds the maintenance money in which case it would be helpful to your taxes. The (inaudible) money is- putting all these roads in will get us about \$15,000 a year or so in additional funding, so to the extent we only spend \$14,000 on maintenance your taxes will go down."

Diane Hubert: "That sounds good. Okay, thank you."

Supervisor Cardinale: "Any other comment? Yes. Bill, please."

William Kasperovich: "Are you coming back? Are you coming back? All right, are you coming back?"

Supervisor Cardinale: "Yes, Mr. Kasperovich, you have comment on this matter, I think."

William Kasperovich: "I notice when I come up to the microphone everybody runs away."

Supervisor Cardinale: "Well, we're still here."

Councilwoman Sanders: "I'm here."

Supervisor Cardinale: "And actually you've been very helpful in defining that issue as to the exact amount of road we're taking over and I appreciate your- "

William Kasperovich: "Well, let me-- "

Supervisor Cardinale: "-- your help."

William Kasperovich: "William Kasperovich. I live on 61 15th Street and if you'll permit me that I haven't given full assemblage to make this talk but I think I could remember all the high points.

First of all, the public notice was printed that they're listing the private roads involved. Now, to take one example, on Wading River area, item 19, Hill Street. Hill Street is 1100 feet long, 50 foot wide, which was dedicated in October 17, 1977. Now that's a long time ago. Where the hell is it? Let the record show that I'm handing Mr. Walters a copy of the 1977 resolution."

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Supervisor Cardinale: "That's the deed?"

William Kasperovich: "Which dedicated the road as a town road- "

Supervisor Cardinale: "Okay, resolution."

William Kasperovich: "-- that period. So here we have a road that shouldn't be on the list."

Supervisor Cardinale: "Well, thank you. We'll check that."

William Kasperovich: "All right. Now Mr. Walters seemed to convey the impression that they would have to go through a long expensive procedure to describe these roads. This is not true. All he has to do is copy the description that's on- catalogued on the town roads that's on file with the county. The county has these roads spelled out, every road in the township is catalogued. And this compilation describes in enough description length and width and from where to where. So there's no big money, it's just a matter of copying. And I use that as an example.

Now these 74 roads or 75, we removed one, differ in dimensions and widths and conditions. I don't think there's any two roads that are identical and I think this- I'm bringing this up because when you write the resolution that this- these roads should be described in that manner.

Now we have- just to make the record straight, we have three different conditions. We have private roads, we have public roads, and we have town roads. Now at the start of the meeting in correspondence, a lady asks for- where am I here- a petition for- in Wading River to become known as Madeline Lane to be deemed a public road. Now I don't think that these people writing to the town are fully aware of what constitutes a public road and what constitutes a private road and a town road.

Now a public road is established by dedication or by usage or by conditions. Now we are going from what is listed in the county as private to eventually be town roads. Now the very good point was made- I don't know who made it just a little while ago- that the number of- the apportionment of town- of state money is done by the mileage of roads in the townships. So we have been shortchanged by not listing the correct amount of public roads in the township. We have been losing money for quite a few years now and this is not Mr.

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Kwasna's fault. This is the man that preceded him but we come now to a point where we have to draw the line for accuracy and correctness.

So when the resolution is written, I strongly recommend that we describe the roads the same way the county has it catalogued in their list of roads in Riverhead."

Supervisor Cardinale: "Thank you."

William Kasperovich: "Now what constitutes a road, whether it's the paved surface or the right of way, that would vary on almost every street or most- the majority of the streets, 74 streets listed. Now when the streets like the one I live on depends on the shoulders to absorb the storm water, this side piece to the road is a part of the road function. The same thing not just limited to the paved surface.

Now the sides of the road are needed for percolation of storm water into the ground. It's not all collected and to one area or another or not taken care of. So the description of the road to me, the road is the right of way. If you have a narrow road like the ones in Wildwood Acres which are 25 foot wide, and you have three or four feet shoulders, if a car- there's enough to go to the edge of the paved surface for two cars to pass each other but if you had to pass a truck, you've got to get off the paved surface. So you need the shoulders as part of the road function.

The same thing- so that the shoulders of the road are part of the road function and the right of way is what- includes that. Not all these roads have sidewalks. Not all these roads have curbs. Not all these roads have been adjusted to where there's the runoff goes to a point where the storm waters are accommodated.

And in this sense, the Highway Department has been delinquent and has not maintained the roads as they should. Now I contend that the Highway Department has taken liberties of their own judgment as was mentioned before. When a condition comes up, well it would be Mr. Kwasna's judgment. Well, Mr. Kwasna hasn't paid judgment on all of these roads and maybe on the majority of these roads or if he has, he hasn't done anything about it.

Now the 50 foot roads have one problem but the 25 foot and the 20 foot roads have an entirely different problem. Now this is why the description of the right of way width is important to be listed in the dedication.

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Now you refer to the traveled portion. Well if you need the shoulder of the road to travel, then the shoulder of the road becomes a part of the road. So we are getting into semantics or definition of what is used- people understand what terminology is used. But the storm water is a major concern on all of these small streets and the description of the streets as listed in the public hearing notice is totally inadequate.

Now granted it took two columns in the newspaper to even just list these as they are but at the same time we're going to be confronted I hope very shortly to- where the resolution is passed accepting these roads.

Now nobody mentioned the take over of the roads in-- when the network of water piping was placed for municipal water. When the network of piping in the east end was put in, we did not have a procedure to get the approval and sanction of the property owners adjacent to the road to require or not require an explicit approval of a property owner. So the town came in and put the network.

Now we needed the water so badly nobody paid a lot of attention to this. But legally the town took over the roads in order to place the network of water piping. And people that had anything to say about it they're for or against or what have you or involved, this was not concern to them when we needed water so badly.

Now here many years later, we've come to face that we have to have this corrected so that we get our fair share of state tax money- state money because it's going by the mileage in the Riverhead network. And this is compiled by the catalogue that's listed, roads in Riverhead township."

Supervisor Cardinale: "Thank you."

William Kasperovich: "Not this doesn't need any surveying, this doesn't need anything, and there are some places where there's a questionable thing and other places they're not. Now some roads that I'm familiar with same as- "

(At this time the CD ended)

Supervisor Cardinale: "5:00 p.m. and I would like- "

William Kasperovich: "If I might ask, I didn't quite get that. How long- "

Supervisor Cardinale: "One week."

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William Kasperovich: "-- left open this meeting?"

Supervisor Cardinale: "For one week. Until- one week from today at 5:00."

William Kasperovich: "One week. Can you make it longer?"

Supervisor Cardinale: "If you'd like to, I can carry it to the Friday, Friday, this coming Friday which would be November 12th at 5:00 p.m."

William Kasperovich: "All right. Okay."

Supervisor Cardinale: "All right. So November 12th, 5:00 p.m. for written comment. And thank you for your comment, Bill. Thank you for the other comments."

Public Hearing closed: 3:27 p.m.
Left open for written comment until
5:00 p.m. November 15, 2004

Supervisor Cardinale: "And I'd like to move to the 2:15 hearing- I'm sorry, the 2:10 hearing."

Public Hearing opened: 3:28 p.m.

Supervisor Cardinale: "Which is for the consideration of the adoption of the 2005 annual budget which has been available for review and we would like to take any comment that anyone cares to share and I'm opening the hearing at 3:28, and with a little- if anyone wishes to make public comment, please come forth. If there is no public comment, I'm going to leave this public hearing open for written comment until 3:10 at 5:00 p.m. I'm sorry, 11/10, November 10th at 5:00 p.m. And I am going to close this hearing, that was more like it, at 3:28 or 3:29 p.m."

Public Hearing closed: 3:29 p.m.
Left open for written comment until
5:00 p.m. November 10, 2004

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Public Hearing opened: 3:29 p.m.

Supervisor Cardinale: "Now that brings us to a hearing that we've been waiting to reach, the Pike Realty LLC. Question as to whether that entity should be designated a qualified and eligible sponsor for the redevelopment of land and building commonly known as the Suffolk Theatre on Main Street.

And I'd like- yeah, I'd like Andrea to come in if she's out- thank you, Andrea. And while we're waiting for Andrea and Mr. Castaldi and his representatives, let me point out to the public that this hearing is required by law and when we first- earlier this year we established the criteria that we were- Chris, if you could come up, too, the criteria which we were going to explore at these hearings, and it is as follows.

If the applicant proposes a purchase of property in urban renewal area in the town, which this is, the CDA, that's Community Development Agency which owns the property shall then ascertain whether the applicant is a qualified and eligible- in this instance owns the property- under Section- Article 15 of the New York State Municipal Law and this- according to the following criteria.

Experience of the firm, corporation or individual with development, construction, management and financing of projects of similar size and scope to the proposed project.

2. Demonstrate the ability to finance the acquisition and the development of specific projects including review by the CDA and this Board, a (inaudible) financial statements, sources and uses of funds, certified financial statements, commitments from lenders, proposed plans and economic analysis.

3. The integrity and- demonstrated integrity and responsibility of the applicant as determined upon appropriate investigation by the town attorney consistent with case law as reiterated in a memo to me from our counsel, Wilkie Farr, which incidentally includes a personal check of officers of the corporation and individuals including criminal record checks and the like to make sure we know who we're dealing with.

D. Presentation of the applicant/sponsor to the public at a prescribed hearing upon due notice providing opportunity for the applicant to present its proposal and ability to meet the established

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criteria.

So what that really is saying and upon satisfactory determination that the applicant is in fact qualified and eligible, one can resolve to negotiate the contract.

It's really saying the entity is supposed to have experience and capital and a plan that makes sense and it's consistent with our urban renewal district plans.

So, Chris, are you here still? Chris came as the counsel on this for our town attorney's office. Bob Castaldi is a principal. Why don't you- would you come forth and- Chris, do you want to comment first? Perhaps you could- okay, why don't you set the stage and then you can come forth?"

Bob Castaldi: "Good afternoon. My name is Bob Castaldi and I'm owner of Castle Restoration and Construction, Inc. (phonetic). We've been doing restoration and construction in the tri-state area for 25 years.

Some of the projects that we've worked on is the restoration of the Vanderbilt Museum, the Caumsett Park (phonetic), a Divine Press Building and a number of other ones. We've worked on landmark and historic- and landmarks that have been on the historical register.

I started business about 25 years ago with these two hands and now I've got approximately 100 people working. Our average job ranges anywhere between \$50,000 and \$4,000,000. Those are usually the jobs that we work on. And that's pretty much it about Castle Restoration. That's what we've been doing, restoration.

Pike Realty LLC is a development company- no relationship to Bob Pike. It's a development company that I have. I recently sold some property and I've got a letter from Asset Preservations that the money has been set aside for the 1031 exchange and the Suffolk Theatre has been designated as one of the pieces of property.

If you look at the package that I just handed out to you, I've got some letters of recommendation, one from the Empire State Building where we're presently working and that's signed by the director of operations. Also the Rockefeller group, we're on approximately \$3,000,000 worth of work for them presently and that's signed by the director of maintenance. Also there's a letter from (inaudible) Management from the assistant vice president. J.P. Morgan Chase we've been working for for just about 10 years and that

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was signed by the vice president of property engineer and technical services and also architectural firm that we've done innumerable restoration projects with Fernell and Sim (phonetic). These are just a few of the letters of recommendation in the package.

As far as the funding for the theater, again, the initial payment, you should have a letter in there from Asset Preservation that the funding is available. Also there's a letter in there from Signature Bank that states that the money has been allocated for the complete restoration and construction project of the theater, the full amount. That has been set aside.

And as far as the project, our goal is to restore the building approximately 95% and restore it. We're going to use it as a performing arts theater. We're going to increase the width of the stage by pushing back. We'll have the ability to still show film and our intent is to use it for performing arts, for such things as Broadway shows, operas, comedies, concerts, antique auctions, weekend family shows and tie in with the aquarium and the dinosaur walk museum.

That's about it."

Supervisor Cardinale: "I thank you. I have a couple of other things I'd like to read into the record from your file. I'd like to hear from Chris, I had a question or two. And I'm sure the Board and the public might as well.

But in addition to the impressive letters of recommendation from the Empire State, the Rockefeller group, Rudin Management (phonetic), J.P. Morgan, and Faranella and Sam Architects (phonetic), in my file, I have the letters you alluded to and I want to make the public aware indicating from Asset Preservation, Inc. that the available exchange proceeds from the sale of the piece that is being held in escrow, to date in the Pike Realty account, amount to \$2.4 million dollars. These exchange proceeds may be used to acquire suitable replacement property and I understand that you've named the Suffolk Theatre as one of those replacement properties."

Bob Castaldi: "Correct."

Supervisor Cardinale: "And that would mean that this matter would- for that purpose would have to close, would it not if we went forward into contract, by February or thereabouts?"

Bob Castaldi: "I believe to get the benefit, it would have to be 180 days- "

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Supervisor Cardinale: "From the identification date?"

Bob Castaldi: "Right. And I'm not sure the date when it was- "

Supervisor Cardinale: "10/11."

Bob Castaldi: "Yeah, that sounds about right."

Supervisor Cardinale: "So it would have to be by 4/11."

Bob Castaldi: "Correct."

Supervisor Cardinale: "We would have to close by April 11th in order for your purposes to be met. So that would mean, one of the attractive aspects of this from the town's perspective and my perspective is the speed at which it would happen because of the 10/31.

It's a simple- it's a simple project in the sense that you have indicated that it's a restoration to its bygone glory of the theater- of the '30's glory.

I also have a letter here which indicates as I have- my three "s" here, it would be speedy, simple and you have committed to spend and to stay and we have a letter in the file which indicated- indicates as per our telephone discussion from you to me you will agree to keep the Suffolk Theatre open as a performing arts center for three years from the date of its initial opening with you."

Bob Castaldi: "Correct."

Supervisor Cardinale: "Our budget on the project is \$1.9 to \$2.1 million dollars in addition I assume to the purchase price."

Bob Castaldi: "Correct."

Supervisor Cardinale: "And then you enclosed a letter from Signature Bank dated October 13th as to the financial ability to perform the restoration of this project and that indicates that you have available a \$2.2 million dollar line of credit and that you've done business with this bank for over 25 years with excellent experience. You are a responsible businessman and we do not hesitate to recommend him. Signed by Salvatore Monico, the senior vice president and group director of Signature Bank.

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Now we are particularly- what shall I say- sensitive to this because our last qualified and eligible sponsorship hearing, suffice it to say the bank financing was not nearly as (inaudible). We were dealing with German banks that weren't really banks. But I wanted to put that on the record and make it available to the public.

We also have a proposed contract which Chris has in draft form which is- is this filed with the Clerk's office? But it's under constant discussion and negotiation and we can't sign it anyway until this hearing is completed. Right?

So with that being placed on the record, Chris, did you want- maybe let's take questions from the Board to Mr. Castaldi and then I'll have Chris talk. Anyone?"

Councilwoman Blass: "Yes, thank you, Mr. Supervisor. Actually to further clarify something that you just said. I was reading from the letter wherein the commitment was made to keep the building as a performing arts theater for a period of three years. And I was going to ask you what your construction time was because the letter that I have says that that three years is from the date of closing.

However, Mr. Supervisor, you just referred to a document that said from the date of opening. Is it from the date of opening as a performing arts theater or is it from the date of the closing which is what's on this piece of paper?"

Bob Castaldi: "I think the letter that we sent you is from the date of closing. Once- the construction is going to take approximately a year. Once we get into this thing, it cannot- once we put all the money into this and blow out the back of the stage and put in dressing rooms, bathrooms, carpentry shops and everything else, it's not going to be able to be used for anything other than a performing arts theater."

Councilwoman Blass: "Okay. I'm asking specifically- "

Bob Castaldi: "The letter was from closing. So three years from closing."

Councilwoman Blass: "But you indicated- "

Supervisor Cardinale: "All right. You're right. I did say- because I was going to ask you for a new letter. The reason- that probably has to do only your commitment practically speaking once you're in and once you do the \$2 million dollar restoration, you are going to be a year in after closing by that time so it would

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effectively be a two year commitment to stay open which I assume you would want to stay open at least three years anyway even if it was with a- so would that pose a problem to you?"

Bob Castaldi: "What, you know, again, once we spend all this time and all this money- "

Supervisor Cardinale: "Let's make it five--"

Bob Castaldi: "-- let's make it a hundred. Guarantee me I'm going to be there three years, I'll guarantee you 100 years, you know. So, you know, nobody knows what life's going to bring. But, you know, I thought that that was, you know, that was a fair period of time- "

Supervisor Cardinale: "Right."

Bob Castaldi: "-- you know, if it's, you know, to, you know, once it's built, it can't be used for anything else other than that."

Supervisor Cardinale: "I understand what you're saying. I guess we could- but you point out a good point. The reasons I like the project are the speed because of the 10/31 aspect, the simplicity because you're not telling me you've got grandiose dreams. You're telling me you're going to restore that theater and you're going to operate it with a not for profit as profitably as you can and you'll live with some losses in the initial period.

And you're telling me that you're going to spend \$2 million which I love in addition to your 700 but you're also telling me you're going to stay. And the question that you're asking is if you tell me, as you did, that you're staying until three years from the date of closing, I understand that, but I didn't say- I was hoping that you really meant three years from the day of opening. Would that pose a serious problem if the Board asked for that much of a commitment? Essentially it would extend your commitment to stay there for- "

Councilwoman Blass: "Four years."

Bob Castaldi: "So it would be four years from- "

Supervisor Cardinale: "Yeah."

Bob Castaldi: "Can I think about it?"

Supervisor Cardinale: "Sure, sure. It's a fair question and

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thank you for clarifying that. Okay. That was just one thing- when you discuss the contract with Chris, that will come up again anyway. Thanks, Barbara. Any other questions? Anybody?

Okay, why don't we hear from Chris and then the public? Thank you."

Christopher Kent: "Good afternoon. I haven't received those letters of recommendation yet, so- "

Supervisor Cardinale: "I have them here if you need copies."

Christopher Kent: "-- we will make that part of our file and we will investigate those letters of recommendation. Nothing against you personally but we have had these- we have had some experience in the past with the town doing this."

Supervisor Cardinale: "The recent past, right."

Christopher Kent: "If you- just a couple of things. The \$2.4 million dollars that's identified by Asset Preservation, Inc. as on account, in the identification for the replacement property, the committed amount to this project is \$800,000. But if you read that in conjunction with the letter from Signature Bank, which is a \$2.2 million dollar letter of credit for this project, there is \$3,000,000 committed and available for this project. That's how I view that."

You had said something earlier, I just wanted to put it on the record correctly. You have 45 days from the closing upon the sale of the relinquished property to designate the replacement property and then you have 180 days from the closing upon the sale of the relinquished property to close upon the sale of the replacement property under 10/31. So he has six months from the date that he closed upon the sale of the relinquished property."

Supervisor Cardinale: "Right. What day was that?"

Christopher Kent: "The property relinquished was that piece up in Westchester which is on the letter from Asset Management that looks like this. It tells you the property that was relinquished."

Supervisor Cardinale: "Right."

Christopher Kent: "It was done approximately September 1st so six months would be approximately March 1st."

Supervisor Cardinale: "Yeah. February the 26th- "

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Christopher Kent: "Is the actual- is exactly 180 days."

Supervisor Cardinale: "I was right. I thought I remembered that. February 26th it would have to close by."

Christopher Kent: "Okay. So that's the actual dates- it's 180 days from the sale- closing upon the sale of the relinquished property."

Supervisor Cardinale: "Right. Could you quickly describe to the public and the press who's here what a 10/31 is so they know what we're talking about."

Christopher Kent: "Okay."

Supervisor Cardinale: "A 10/31 exchange."

Christopher Kent: "It's a like kind exchange. It's where you identify property that you're selling to the IRS, it's an asset. Usually it's some type of investment property and if you sell a certain type of investment property and buy a like kind investment property, you can defer the tax consequence from the sale of the property- you just defer it. And you are buying a new piece. It's kind of like what you do with your primary residence but it's for investment business property."

That's the capsule, I mean you could look at the code, and it's quite lengthy and the opinions on the code but it's the idea where you could take your capital gain from your investment on a - your capital gain from the sale of an investment property and reinvest it in identified property within 180 days and defer any capital gains tax forever. You could actually do it forever because if you keep doing it and then you die and then your children or your beneficiaries inherit the property, you get a step up in basis and they never pay capital gains tax."

Supervisor Cardinale: "Right. But they would pay an inheritance tax."

Christopher Kent: "No, not necessarily."

Supervisor Cardinale: "Well, if they had a- "

Christopher Kent: "If you structure it properly, you can all call me on my private office- no. If you structure it properly you

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can avoid taxes right through inheritance- you can avoid inheritance taxes also."

Supervisor Cardinale: "Yeah, as long as you don't have \$3 million dollars or more."

Christopher Kent: "Well, it depends on how you structure it. If you create trusts and if you put properties that pass automatically upon death into people's names, you can avoid it."

Supervisor Cardinale: "That sounds pretty good. I'll have to talk to you about that."

The other thing that we should point out is that the money is available and sitting in an escrow account."

Christopher Kent: "We've also received and nobody made mention, but I gave you packages-- we received from Mr. Castaldi his articles of organization which are the formation of the LLC and I think it was done well in advance of contemplating any purchase here because it was done in 1996. We have the operating agreement between Mr. Castaldi and his limited partner, Mr. Liena (phonetic). That was signed also in 1996. We have tax returns from Pike Realty Co., LLC and we have a letter, I think you discussed, where he commits to keeping it open for certain times."

We're also in the middle of negotiating a contract of sale and some of those terms might be a little bit different in the contract than what we've discussed so far but we'll do that as part of the contract negotiations with his counsel."

Supervisor Cardinale: "Right. And when we sign the contract, there will be a resolution authorizing signature and the public will be able to review it as well."

There is one other question that I wanted to ask Bob and you may be able to answer it. Do we have a- do you have an understanding as to the entity that's going to hold the real estate- it's Pike Realty, LLC. That's a for profit company, Bob?"

Bob Castaldi: "The way that I understand that it works is that Pike will own it for about two years and then it will just simply be transferred over to my personal name after two years. But it has to be held for about two years in Pike because Pike, the transfer's being made from the other property that's under Pike's name- "

Supervisor Cardinale: "Right. So it has to take title in the

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same name."

Bob Castaldi: "So it has to stay there for approximately two years and then it can be transferred over to me."

Supervisor Cardinale: "Yeah. That's part of the exchange requirement. But what I was getting at was you will not be- isn't there something in the contract that commits that you will not hold it in a not for profit entity for a specified period and that is an interest to me because then I get taxes."

Bob Castaldi: "Right. That's, yeah, we've agreed to that. That for a certain period of time it would be on the tax rolls."

Supervisor Cardinale: "Right. And that's- I think- it's going to be- obviously a certain- you have to keep it in there for two years in Pike."

Bob Castaldi: "Right."

Supervisor Cardinale: "You then put it into your own name for a period of time and you're negotiating that as part of the contract."

Bob Castaldi: "The contract. Right."

Supervisor Cardinale: "As to that period of time."

Bob Castaldi: "And I'd just like to go on the record and say that, you know, just because we have up until February 26th, doesn't mean that I'm not looking forward to doing it- "

Supervisor Cardinale: "Sooner."

Bob Castaldi: "-- if you guys say it's okay, this afternoon's fine."

Supervisor Cardinale: "Right. Great. It sounds good."

Bob Castaldi: "We'll sign and get it done. We want to do it- "

Supervisor Cardinale: "Well, we owned it for 10 years."

Bob Castaldi: "-- as soon as possible to get at it. We're pretty excited and we really- we want to try and get a jump on it and

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utilize the winter months which is a lot of inside work to be done over there and that's the perfect time to do it for us is in the winter time."

Supervisor Cardinale: "I don't think you mentioned it, but you did to me in conversation that you are working the court project as well."

Bob Castaldi: "Well, we've been asked by the EW Howell (phonetic) to come down and try to look- actually we're going down there tomorrow to take a look at the restoration work on the courthouses. Yes."

Supervisor Cardinale: "On the Griffing Avenue courthouses?"

Bob Castaldi: "Yes. To look at the roofs, the terra cotta, the brickwork on the corners and I think there was some work to be done on the front steps. But, yes, take a look at that as well."

Supervisor Cardinale: "It's nice to have you in town on both jobs."

Bob Castaldi: Hope so."

Supervisor Cardinale: "Okay. Thank you. Anybody- other comment, Chris?"

Christopher Kent: "Nobody raised this as part of the discussion but there are a couple other conditions under the contract that are important to make mention of now.

His proposal is to build out into the back parking lot which is owned by the Parking District and it would require some type of a negotiated agreement with the Parking District for the purchase of the property. It's necessary for that build out.

His proposal also contemplates building an alleyway that's unobstructed. Right now we have a blind alley leading to the- on the east side of the Suffolk Theatre and his proposal is to open that alleyway up directly from East Main Street to the Parking District property and that would require the conveyance of a portion- the northwesterly portion of the property adjacent to the east.

And so he's in the midst of negotiating both transfer of that portion of that property with the property owner to the east and we have to negotiate a separate agreement for the transfer of the

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Parking District property. Either do it by transferring the Parking District property to the CDA and making it one transfer when we transfer the property to Mr. Castaldi or to Pike Realty Company or two separate transactions. But we should discuss that."

Supervisor Cardinale: "Right. Yeah. We've begun to discuss that and those were conditions also if I recall of the most recent failed purchase bid, that those two items had to be accomplished."

Christopher Kent: "Right. Now, so, again, in the drafting of the agreement, I made those as conditions to closing and we need to discuss that further because we do not want to hold up Mr. Castaldi's tax free exchange beyond February 26th, but I think his overall project contemplates the acquisition of the property from the Parking District and from the property owner to the east.

So those have to be done simultaneously or done immediately so that we can accomplish it."

Councilman Densieski: "Phil, considering that's a contract negotiation, might we take it up tomorrow in executive session (inaudible)."

Supervisor Cardinale: "Right. I think that's- "

Christopher Kent: "I just wanted to bring that up here today so that everybody- that that's put on the record, that's part of the transaction."

Supervisor Cardinale: "Good. Maybe we can continue the discussion tomorrow about how to address that in the contract. Okay? Thanks. Is there any comment from the public in regard to the qualified and eligible sponsorship hearing that we're in the middle- in the midst of?"

Councilman Densieski: "Phil, could I add my own two cents?"

Supervisor Cardinale: "Yes, please."

Councilman Densieski: "Just about every major study of downtown Riverhead has said that the Suffolk Theatre is the anchor of revitalization and the cornerstone of revitalization. I think we have exceptional business people here making a legitimate offer and I for one would like to welcome you to Riverhead, roll out the red carpet and I hope that we can work out all the bugs and make this really happen for you guys and for Riverhead."

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Supervisor Cardinale: "Any other comment? Rob, would you like to make a comment?"

Robert Pike: "Thank you folks. Rob Pike, 138 Ostrander Avenue, Riverhead, New York. For a tried and true Democrat it has been a little tough finding some daylight in today's news but finally I am in the spot where the sun shines which is to be able to talk about this application and the extent to which these gentlemen are qualified and eligible to take on this project.

First of all, a second disclaimer. The Pike family, Robert Pike or any of my relatives or heirs have nothing to do with the particular Pike Realty LLC that is involved here other than the fact that they have extremely good taste in naming corporations. There's no connection whatsoever.

When I heard about it, I thought it was a remarkable piece of karma. I believe based on having met Bob and the team that he has assembled, that you are presented here with a historic combination of elements and I'd like to run down them one by one.

First of all, in terms of experience, I'm mildly in the building renovation business both here and Vermont and Colorado, but these guys are seriously into the renovation of buildings. It's not like they have to go out and hire another team which just about everybody else who you talk to about the building has to do. Every prior suitor has had that problem. These guys have people on staff who can do this job and they are entering a window of opportunity of which they are freer to do this job. They are extremely qualified to do it.

They will not be as many people are surprised by the inevitable surprises of renovation. You always discover some of the most amazing things when you do renovations and wonder how that possibly could have occurred. This has occurred to them over and over again in the course of their regular business. This is not a hobby. This is their job.

I believe they have demonstrated to you a portion of their resources and what they have demonstrated to you is from soup to nuts, everything it would take to not only restore this theater as a movie theater and use it as a movie theater. I'm not sure he mentioned that in the list, but that is also part of their plan. And to add onto the building in back.

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I have gotten to know these gentlemen over the last three or four weeks and I have found that they have other qualifications that I find extraordinary. In going over Bernie's plans (phonetic) they have come up with at least two innovations that have not occurred to anybody who was on the design team before that would increase the amount of usable space of the building and I was happy to see that they have that confidence, that vision, that creativity.

In addition, they are willing to undertake a project having been exposed to the difficulty of the economics of running it. They showed an awareness of what they know but more importantly they show an awareness of what they have yet to learn. They have personally traveled to Florida to attend a convention of people who are similarly situated in trying to make theaters like this work all across North America. They didn't even mention that. They have the added advantage of being far too modest about what they are, who they are and what they can do.

In addition to their own learning curve, they are bringing on, I believe, it's Vanderhoff, Genovese (phonetic) for their business plan to provide a far better pro forma business plan and a contextual analysis than even the one that I am quite proud of having presented to the town board in previous times.

I think the final thing- two things. I had the opportunity to take these gentlemen down to the I Mac which is a converted theater on Long Island that has been running successfully in various locations but has now settled in the balcony and extension of that balcony in downtown Huntington. And we went out to dinner at something like nine restaurants that are within 100 feet of the entrance door of the I Mac and we saw a great show of local artists, some of whom played at the Riverhead Blues Festival in a sustainable business model.

I introduced them to Michael Rothbard (phonetic) who is the executive director and he warned them seriously to consider the dangers and the joys and thrills and the personalities and the egos and the trials and tribulations and reality of running one of these theaters. And despite all of this clear knowledge of the difficulty of the challenge that faces them both in renovation and in the running of it, they are still standing, they are still here, they are still willing to take this project on and I think that takes a certain level of courage and fortitude that we have seen in none of the applications that have come before us.

Finally, this is a hands on man. Bob is a self-made success.

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He started off as a painter with his own shop. He now runs the staff and the business that you have seen. When we were sitting there watching the show, at one point during the Third Act, I looked at him and he was kind of looking at the seats in front of him and taking his hand which for anybody who is in the craft is a measuring device and he was knuckling his way across the seat in front of him to figure out whether it was a 19, a 20, a 21 or a 22. This is an attention to detail as well as big strategy that I believe is unprecedented.

Gentlemen, ladies, if there is anybody on the plant who is more qualified and more eligible to take over and rebuild the Suffolk Theatre, I would be happy to meet them. But I submit to you that there is not. That you have found here, all of you, collectively, one of the biggest home runs that has ever been hit and that you should determine that they are qualified and eligible to take on this project.

And in the final analysis, help them with the- dealing with the Building Department, getting the handicapped access people to work with them, to get this building finally restored. If you can work out a deal whether they can assume the risk of loss, get in the building and start taking out some of that fabric that's sitting there waiting to burn, make it safer in the short run, let them get to work now. This is an optimal situation.

I believe that not only on the law, not only on the moral, not only on the practical, but on the passion of the Suffolk Theatre. You have found the people who can do it and I encourage you to support them in absolutely every way, in every negotiation, and every day that you can."

Supervisor Cardinale: "Thank you. Thank you for those comments. Is there any other comment from members of the public? If there isn't, let me ask Bob just elaborate for a moment because I forgot to ask that, too. One of the- on what part, if any, cinema or theater use, movie theater use, might play in your proposed use of the facility?"

Bob Castaldi: "Well, right now, you know, it's a little premature but the plan is to still maintain the ability to show single feature film and that would probably occur on, you know, Mondays, Tuesday, Wednesdays and Thursdays if everything goes as planned. You know, Fridays, Saturdays and Sundays are going to be the hot nights."

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Supervisor Cardinale: "Right."

Bob Castaldi: "And we'll fill that up with, you know, comedy or theatricals and that's where the money is going to be made. But our plan is to try to keep this thing going seven days a week from 9:00 in the morning until 9:00, 10:00 at night. There are a lot of children, you know, roaming around, you know, with the aquarium and the dinosaur museum Monday through Friday and Saturdays from 9 until 4 and, hopefully, we will get the big children to come in from 5 until 10. And that's what we're planning to do."

The whole trick, I mean with this from our two months of crash course study on theater operation, I'm sure over the next two months we'll become even more knowledgeable. The trick is to keep those seats filled and that's the trick and if you can do it by doing it for children doing the day and doing things for seniors on the week and having dance, you know, working out deals with dance studios that need places to practice or to have their, you know, their grand finale performance at the end of the year, that's how you make it work and that's what we're planning on doing. And it's just a whole lot of stuff. It's a good challenge."

Supervisor Cardinale: "Well, thank you. Thanks for the- "

Bob Castaldi: "I look forward to it. I've been restoring everybody's buildings for 25 years. I'd like to do one for myself."

Supervisor Cardinale: "This will be it then. Thank you for your clarification."

Bob Castaldi: "Thank you."

Supervisor Cardinale: "Okay. Any other comment from the public? Any other questions? Yes, take that comment. And if there's any question from the Board."

Amy Oure: "Thank you. I just wanted to quickly introduce myself and just make one small comment. My name is Amy Oure (phonetic). I'm administrative assistant for the Riverhead Business Improvement District Management Association and I'm here in representation of voicing their support of this project, of the Suffolk County Theatre, and the Business Management Improvement District- the District Management Association is looking forward to working with the Suffolk County Theatre in promoting the downtown area and its businesses and, hopefully, with the Board's, you know, pushing this long and getting the contracts and everything signed on

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the dotted line in a quick fashion, an orderly fashion, that, hopefully, it has been talk amongst our Board for utilizing the Suffolk County Theatre coming out party at our seventh annual Blues Festival and using it as one of our new venues to promote it for the downtown area which will be held July 8th, 9th and 10th.

So we do need to be kept updated on how the contract talks are going so we can plan our venues for the Blues Festival accordingly. And, again, I want to thank you for taking some consideration to his application. And I think it's a wonderful thing for the downtown Riverhead area."

Supervisor Cardinale: "Thank you. Yes, Mr. Oxman."

Larry Oxman: "Well, good afternoon. Larry Oxman. As the Town Board knows, after the I guess the initial deal fell apart and prior to Mr. Castle's offer, I'm sorry, the Castel Group offer (inaudible). I think that the town has finally achieved exactly what it's looking for.

You know, as someone who is interested in the theater, I don't think that you could have gotten a better person, the qualifications are excellent. I would encourage you to move ahead with this swiftly. Mr. Pike's comments about having the town Building Department work as closely with the renovation is in order and I think that this is great."

Supervisor Cardinale: "Thank you, Larry."

Larry Oxman: "Thank you."

Supervisor Cardinale: "I should note that- Bob, that Leroy Barnes, our Building Department head is in the back there. You should get acquainted. Leroy knows from this past summer when he really worked very hard and successfully to get the dinosaur museum open for the Blues Festival weekend, that we really- I prioritize downtown and Main Street particularly, so I'm telling him publicly that he should work with him as diligently as you did with the museum, the dinosaur museum.

Okay, so let's get onto negotiating this contract but if there's no other comment, I'll close this verbal portion of the hearing, leave it open for five business days for any written comment and then we'll be- is that your thought on that?"

Christopher Kent: "Maybe you- we need to receive back

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authorizations so that we can perform our background searches on both Mr. Castaldi and Mr. Liena. I did receive Mr. Castaldi's authorization today- "

Supervisor Cardinale: "Okay."

Christopher Kent: "But I have not received Mr. Liena's."

Bob Castaldi: (From the audience, inaudible)

Supervisor Cardinale: "Okay."

Christopher Kent: "I'd like to keep the Board's written portion of the information to be considered open until we receive the background reports from our investigative companies that are going to be doing it."

Supervisor Cardinale: "Okay. And when would you- what date would you suggest?"

Christopher Kent: "I would say at least 15 days to be safe for us to get those done."

Supervisor Cardinale: "All right. So why don't we extend that to the- from the 7th to the 15th of November, keep this open until then so we can get that data in."

In the interval, Chris, you can continue to negotiate the contracts and we can discuss at the work session tomorrow some of the items you started to address today.

Okay, with that, we've got that- thank you for coming, Bob, and thank you for comments.

I'll close this hearing except to keep it open until the 15th for written comment and I'll go on then to the next hearing."

Public Hearing closed: 4:07 p.m.
Left open for written comment until
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Supervisor Cardinale: "Which is the consideration- oh, yes,

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before I go onto the next hearing at- there is a poster- okay we're going to. Are we going to go out there or are they coming in here? Okay. Could we have the kids come in, please for the poster contest? The poster contest award winners. The award winners."

(At this time, the Halloween poster contest winners were announced)

Public Hearing opened: 4:22

Supervisor Cardinale: "4:22, I'd like to open the hearing that is scheduled for 2:20, the consideration of a proposed local law to amend Chapter 12 of the Town Code entitled Coastal Erosion Hazard Areas.

This is on for comment by the public and I would be pleased to take any comment."

Sean Walter: "Do you want me to say anything."

Supervisor Cardinale: "You want to- yes, if you could introduce the nature of the change."

Sean Walter: "Okay. This is as you said this is a change to Chapter 12 Coastal Erosion Hazard Areas and the reason that this was actually proposed by the code enforcement office because they were unable to enforce this regulation due to some- the coastal erosion hazard line that's not been updated by New York State DEC for some 20 years- "

Councilwoman Blass: "Just about."

Sean Walter: "And what the- what was felt was needed, Barbara and George worked on it with the code enforcement- Richie Downs- whose notes I'm looking at and what they've come up with is a mechanism to enforce the code whereby they've created an area- a regulated area which is 50 foot landward of the crest of the bluff would be the regulated area because they found that the people were clearing in the bluff areas. We didn't have a way to regulate it because the coastal erosion management line that the DEC establishes, in some cases was hanging over the bluff and it didn't make any sense.

And he's also tightened up the penalty phases of this. He's also made the conservation advisory council of the town of Riverhead the key person- the key organization in the implementation of this

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code. And prior to this change, the town Planning Chairman was the person responsible for the code and to enforce the code and they've made that the Planning Board with the advice of the CAC.

There's also a provision that was put in because what's going to happen is some of these people don't have very large backyards and we didn't want- the thought was that if somebody wanted to just put up a small tool shed, we didn't want them to have to go to getting 18 copies of surveys and going before the Town Board and the CAC and to the Planning Board so there is a provision in there for an accessory structure of under 100 square feet.

And that's basically all the changes."

Supervisor Cardinale: "Thank you for that explanation. Is there any comment by members of the public. I was just speaking this morning with the code enforcement officer urging him to come to us with any changes that are required for better enforcement of the rules and regulations and this is example apparently where it's come to the attention of a committee of the Board, they've worked up legislation to address it and we're now hearing public comment which is not deafening and in another few weeks it will be on for a law, resolution passing a law. It's amazing how quickly- "

Sean Walter: "I think Barbara has a comment, Phil."

Supervisor Cardinale: "Yeah, go ahead."

Councilwoman Blass: "I have two minor amendments that I'd like to propose, please, under Section 12-36, under penalties for offenses. We refer to an approved restoration plan. I think it's important to indicate the Planning Board would be the approving agency in that regard so we would say until an approved- a restoration plan approved by the Planning Board is enacted. That's is Section 12-36, addition of those words."

Supervisor Cardinale: "Sounds reasonable."

Councilwoman Blass: "It's line 11. And on Section 12-28 Subsection C, permits will be issued by and bear the name and signature of the Chairman of- it should read the Planning Board."

Supervisor Cardinale: "Thank you."

Sean Walter: "You've got that, Sean?"

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Sean Walter: "I'll have Richie who has this on his disk talk to Barbara."

Councilwoman Blass: "Okay."

Supervisor Cardinale: "Good."

Sean Walter: "On his computer."

Supervisor Cardinale: "Thank you."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Thank you, Barbara. Thank you Sean. There being no further comment, at 4:26 I'm going to close the hearing, leave it open until next Wednesday, close of business 5:00 p.m., the 10th for comment and move onto the final hearing for the day."

Public Hearing closed: 4:26 p.m.
Left open for written comment until
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Public Hearing opened: 4:27

Supervisor Cardinale: "That which was scheduled for 2:25, it now being 4:27, the consideration of a proposed local law to amend Chapter 92 and 108 entitled Sidewalks.

The- this I think was a suggestion that Ed had made. Ed, do you want to summarize this?"

Councilman Densieski: "Yes. Thank you, Phil. This comes on the- out of the handicapped committee. The handicapped committee thought it would be wise and prudent for any new applications of existing pre-existing buildings or new buildings coming through to put in or replace existing sidewalks. For example, somebody takes an old home and creates an office space out of it, now they're going to have to bring the sidewalk into conformity.

I think it's a good thing for the community and especially for the handicapped individuals and pedestrians.

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I think the nature of the change is that it permits us to consider that clearly and specifically for this consideration of that at the site approval stage.

Anybody have a comment on that proposed legislation? If not, I will hold it open for comment in writing through close of business November 10th and close this hearing at 4:29 which completes the hearings for the day."

Public Hearing closed: 4:29 p.m.
Left open for written comment until
November 10, 2004

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Supervisor Cardinale: "I see one set of parents for the officers. We're going to swear in five officers as new police officers. Is there- Andrea, are the people ready to be sworn in because we can briefly stop and do that when they're ready, but there should be five police officers and I assume the police chief and while she's checking that, we'll take a brief break to do that down in the well of the room as well, we could indicate that we're about to consider the resolutions on the agenda for today, that would be one CDA resolution #14, and then resolutions 1003 to 1039.

If there is any comment on any resolution, I'll take them now. And, Sal, would you come up, please? Not yet? We're still waiting for those police officers so why don't you give us your comment, please."

Sal Mastropolo: "Resolution 1007."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Are we now spending \$7,500 for consultants for non-league sports programs? I question that expense."

Supervisor Cardinale: "Yes, that's a good question. I think we both- we all- we did as well. Is Hansen here because he can explain it? What? He left. Oh, because Wednesday is the day he's got school. Okay. I've got to- non-league sports.

What they're doing is they're moving from- okay, yeah, I remember his one, it's coming back. They're moving \$7,500 from non-league sports program instructors to non-league sports program consultants and the memo- thank you, see, somebody is on the ball

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here- the memo told us, Sal, which you didn't have, that this is necessary due to the presentation of an invoice from the Suffolk County Umpire Association (inaudible).

The budget said the appropriation had \$10,000 and to date expenses amount to \$8960, which leaves a balance of \$1,040. The activity in this self-funded program has increased the last two years. The expense in this account has been less than \$8400. With the payment of this building, expense will be \$10,178 which incidentally doesn't mean anything because that's the first one. That's the \$200 item.

The \$7500 item that you questioned me about is the second item is necessary because recreation department has found independent contractors to cover the instruction of some of the non-league sports programs. Cost center such and such is for personal services of employees, not contractors. This is because independent contractors are not covered under our (inaudible) program.

So what he's saying is this. He's taking \$7500 which have been for instructors and he's putting that same \$7500 into consultants because these people are not- are independent contractors and have to be paid out of this particular line. It's not an increased expense. It's just a reallocation of the same funds in a proper manner because it's not instructors but independent contractors. And that's (inaudible)."

Sal Mastropolo: "So because they're independent contractors we consider them consultants, not instructors?"

Supervisor Cardinale: "That's right. Yeah."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "That's pretty right, yeah. You did that quicker than I did."

Sal Mastropolo: "1008, there's no attached public notice. Okay."

Supervisor Cardinale: "How do we show it to the public? Do we have it? Okay. We were not clear, I think, on the date and now we know, it's going to be December 7th. 6:00 p.m., December 7th."

Sal Mastropolo: "Okay. 1009."

Supervisor Cardinale: "Yes."

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Sal Mastropolo: "In the exemptions granted, the third line down, is it proper for the town to speak for the school district? I don't see how you can include school district purposes in that exemptions granted. I would think the school district has to vote on that."

Councilwoman Blass: "They already did, I believe."

Supervisor Cardinale: "Third line- I'm looking at- what line are you looking at?"

Sal Mastropolo: "I'm looking at notice of adoption, qualifying residential real property, the third line down. It says- "

Supervisor Cardinale: "Oh yeah- "

Sal Mastropolo: "-- shall be exempt from taxation to the extent of 10% of the assessed value of such property for city, village, town, (inaudible) special district, county or school district purposes."

Supervisor Cardinale: "Yeah, well they (inaudible), but- and I'm sure they're not going to retract it, but isn't this our code? That's your point, right? It's our town code and his question is we want to reduce it 10% for purposes of town, special district, but I don't- but I think they will have to have their own legislation- "

Sal Mastropolo: "That's my- that's my take. The school district has to do it in a resolution. I can't see- I don't see why the town's doing it."

Supervisor Cardinale: "That's a good question. I wish I had an attorney- "

Councilwoman Blass: "Laverne was here."

Barbara Grattan: "Do you want me to call her? Let me call her."

Supervisor Cardinale: "Yeah. Would you ask her to come in. Maybe DeSimone is- if we could have- Dawn, or Chris would be nice. What happened to her?"

Councilwoman Blass: "This is the way- this is the property tax law."

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Supervisor Cardinale: "Oh, it reads- it's a good question and the interesting thing is that this is the way they passed it in the first place but I still think the question is a good one. How is it that we are announcing that they should be exempt from taxation, 10% of the assessed value of anything other than the town, because that's what we can control."

Sal Mastropolo: "Right. That's my point."

Supervisor Cardinale: "Okay. So I'll ask that as soon as I get somebody. How are you, Dawn?"

Dawn, a technical question on 1008 by Sal- 1009 by Sal. The exemption that we're granting to the fire department pursuant to law says they shall be exempt- qualifying residential real property shall be exempt from taxation to the extent of 10% of the assessed value for city, village, town, park, town, special district, county or school district purposes.

He's- I know that was the language that was in it to begin with, but is it proper for us to be stating that shall be exempt from county or school district purposes because we don't control county or school district and it's kind of odd to have that in our town ordinance."

Councilman Densieski: "Who drafted that, Phil, do you know?"

Supervisor Cardinale: "Well, this was- they used the same one- they used the same on that was in there and then crossed out such exemption shall in no event exceed 3,000 multiplied by the latest state equalization rate for the assessing unit. They crossed that out because the new law permits it.

But I think initially when it was passed, it was overbroad."

Dawn Thomas: "I don't think we're granting as exemption- "

Supervisor Cardinale: "Well, we're saying- "

Dawn Thomas: "-- 10% of the assessed value- assessed value is the assessed value for purposes of different (inaudible)."

Supervisor Cardinale: "Shall be exempt from taxation to the extent of 10% of the assessed value. Oh, I see what your point is. Qualifying residential real property and to be qualified you'd have to have the resolution of the school district. And the resolution of

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the county."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Okay. What she's saying is and she may be right, is that that word qualifying, in order for the property to be qualified as qualifying residential property, we would have to have a copy of the resolution passed by the school district and a copy of the resolution passed by the county legislature. But if it's qualified, then it's exempt from all of it."

Sal Mastropolo: "Okay. So we don't have a problem, you're saying?"

Supervisor Cardinale: "No. It's- apparently they thought that through when they passed- "

Sal Mastropolo: "Okay. 1013."

Supervisor Cardinale: "Okay. No, I think I'm happy. Thanks. Laverne, thank you, we've got it figured out."

Sal Mastropolo: "1013."

Supervisor Cardinale: "Yeah, 1013."

Sal Mastropolo: "The first page says existing tower located at 900 Reeves Avenue. Okay. And then later on in the resolution it says Old Country Road someplace. Oh, yeah, on the second page in the first Resolve. Tower located at Old Country Road, Riverhead. One of them is wrong."

Councilwoman Blass: "That one's wrong."

Supervisor Cardinale: "Okay. Old Country Road should be Reeves Avenue on the second page."

Sal Mastropolo: "Okay, so you've got to change that."

Supervisor Cardinale: "Okay, we'll do that. I'll make sure that change is made. It's amended now so it reads that. Okay?"

Sal Mastropolo: "Resolution 1014."

Supervisor Cardinale: "Yes."

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Sal Mastropolo: "On the fourth page, the first line, you have 2003, it should be 2004."

Supervisor Cardinale: "Fourth page. One, two, three- yes, declaration of covenants should read '04. Right. Okay, I've got that."

Sal Mastropolo: "10- 1018."

Supervisor Cardinale: "1018."

Sal Mastropolo: "This is the resolution for Jungle Lasers LLC."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "This is the stuff that I reviewed with Chris."

Supervisor Cardinale: "Right."

Sal Mastropolo: "Okay. And I still have some concerns after reading the contract, and I'll tell you what they are."

Supervisor Cardinale: "Okay. Let me just make- get there. 1018. Okay, I got it."

Sal Mastropolo: "Okay. Section No. 9 says licensor reserves the right to modify or discontinue temporarily or permanently. Okay. That begs a couple of questions. One is there's no mention of him putting the code in an escrow account so if he discontinues permanently this code, okay, you don't have the code sitting in an escrow account where you can go access it. You're virtually dead in the water because he owns the application, he owns the hardware, okay, and all of your data is on his internet system. All right?"

Supervisor Cardinale: "Do we have- is Chris here still? Chris, Chris. Could you come up for a sec? Chris Kent. Ah, Chris, you- Sal was nice enough to work with you as a volunteer on this contract with Lasers- Jungle Lasers LLC for the (inaudible) system. He's just making some comments on the contract. It would be better for you to hear them than us because you are working the contract. Would you repeat that first comment?"

Sal Mastropolo: "Okay. The first comment is in Section 9, he says licensor reserves the right to modify or discontinue temporarily

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or permanently the system with notice to licensee's systems administrator, okay, as hereinafter provided in paragraph 15. There's no mention made of the code being put in an escrow account. So if he goes out of business and he permanently discontinues use of the system, he's got all of your data and you don't have access to the code because he never put it in an escrow account."

Christopher Kent: "He's providing it to us under another paragraph."

Sal Mastropolo: "I didn't see it in here."

Christopher Kent: "Yeah, it's under- "

Supervisor Cardinale: "All right. So in any event, it's a point but it's going to be addressed."

Christopher Kent: "It is addressed."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "That just says- "

Christopher Kent: "Yeah. But they're going to provide us- the information on how to access this. It's not in- "

Sal Mastropolo: "No, no, no. This says licensor agrees to maintain licensee's data in an open data base (inaudible) activity format. That just tells you what the format of your data is. It doesn't speak for the source code, okay, the application itself. It just talks to the data that you're sending him."

Christopher Kent: "You know, I'm not an expert in computers, but Lori Pipczinski (phonetic) who is our computer person for the town told me that we will have no problem accessing our records based on the information provided in this contract."

Supervisor Cardinale: "Well, he is, that's why we're very happy to have him free. Why don't we check with- to make sure then. You're saying it should say no mention of- it should mention source code specifically, whatever the hell that is."

Sal Mastropolo: "Yeah, he's-- right. You should have access to the code somewhere in, okay, some escrow account so that if he goes out of business, okay, you have some recourse to get the code so that you can continue to use the data. Otherwise the data is useless

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to you."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "Okay?"

Supervisor Cardinale: "All right. That's one point. Anything else?"

Sal Mastropolo: "Yes. He doesn't- I mean there's so many things in here that says that he's not, you know, he's not responsible for errors contained therein. He does not warrant a lot of stuff. It's not free from viruses. I mean that's all bad language. That's only in his benefit and none of it is in yours."

Supervisor Cardinale: "So some of those- you may want to discuss with Chris privately any of them that are really important as opposed to less important. He wanted certain waivers, right?"

Christopher Kent: "Yes, but I corrected- I amended this language to put in there if any errors are the result of his misfeasance or malfeasance- "

Supervisor Cardinale: "Yes."

Christopher Kent: "-- that we are protected. So he's saying that he's not responsible for those things that are beyond his control and that he cannot control but I put it in- I've added language regarding acts that he undertakes that does something wrong to our data or acts that he fails to do that he should have done. That's what- "

Supervisor Cardinale: "Malfeasance or- "

Christopher Kent: "Right. Malfeasance or misfeasance."

Supervisor Cardinale: "Acts of omission or commission, I assume."

Christopher Kent: "Right."

Supervisor Cardinale: "Okay, then you generically have covered that. You've given a waiver but then took it back to that extent."

Christopher Kent: "But he's- his language is things that he cannot control. He's saying that every system can get a virus and he

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will work with us to correct it but he is not liable if there is a virus that contaminates the information."

Supervisor Cardinale: "Understood. Anything else, Sal?"

Sal Mastropolo: "Okay."

Christopher Kent: "Unless, of course, he's failed to do something that he should have done- "

Supervisor Cardinale: "Okay, yeah."

Christopher Kent: "-- to protect us."

Sal Mastropolo: "The other comment is that there should be something in her about 30 or 60 day notice he's going to terminate permanently and there's not. It just says the notice is effective when it's received so he virtually can send you a certified letter on a Monday which says I'm permanently discontinuing this system."

Supervisor Cardinale: "Right. Yeah."

Sal Mastropolo: "And you're dead in the water."

Supervisor Cardinale: "Right. Maybe we can- I'm sure he wouldn't object to a reasonable- "

Christopher Kent: "Of course, Lori has told me we're not dead in the water because all of this information can be retrieved. Plus we're getting monthly data sets meaning that he's forwarding to us every month, everything that's contained on his system in some type of a data set that we're going to keep here."

Supervisor Cardinale: "Okay."

Christopher Kent: "So if it's shut down- if for some reason he does shut down all of a sudden, that we would only need that information that hasn't been forwarded to us in some type of hard copy. But, again, Lori advises me that we would be- we would be able to have access to whatever information is available, you know, whatever information is contained on this site."

Supervisor Cardinale: "Good, well, I just want to make sure we address the issue and it sounds like we did."

Christopher Kent: "Well, you know, I'll bring these up. I'd

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be glad to bring those up. Maybe I should have Sal speak directly to Lori because I- "

Supervisor Cardinale: "Yeah. Because- "

Christopher Kent: "-- only can do the language. I can't- I don't know the technical side of all of this."

Supervisor Cardinale: "Yeah. They know the technical stuff. All right. That would be fine."

Sal Mastropolo: "Well, the system has two pieces. One is the source code that handles the data and the other part is the data. You own the data; you're sending him the data. Okay. The data is only as good as the source code that manipulates the data and feeds you back the information that you want. Okay. And my concern is that you have no access to the source code because it's his system, okay. So if he gives you back data, that's fine but what are you going to do with it?"

Supervisor Cardinale: "Okay. Sounds sensible."

Sal Mastropolo: "All right. 1024."

Supervisor Cardinale: "Okay, thank you, Sal. Maybe we'll have Lori speak directly to you. 1024."

Sal Mastropolo: "The first paragraph, this is a part time deputy attorney and I guess my concern is that we're paying 100% of individual or family coverage for hospitalization."

Supervisor Cardinale: "1024. Well, the good news is- the good news is that- yeah, we are, too. I was concerned and the whole Board has been concerned about part time employees with full time benefits which you get after- we're generous in the town with that. This is going to become a full time attorney so this will be- "

Sal Mastropolo: "So it's a non-issue. Okay. 1030."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The first Resolved, October 28th. Should that be changed or is it something we're doing after the fact?"

Supervisor Cardinale: "This one, that's a good question. Is this- I think it should be changed."

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Barbara Grattan: "Yeah. It's going to be published in tomorrow's paper which will be November 4th."

Sal Mastropolo: "Okay. So then you want to change the resolution."

Supervisor Cardinale: "Yes."

Barbara Grattan: "Yes."

Sal Mastropolo: "Those are my comments."

Supervisor Cardinale: "Thank you very much, Sal, for those comments. Is there any other comment in regard to the proposed resolutions? Yeah, we have some, good. Let me ask you, we have police officers ready to be sworn in out there anybody? Jill? Waiting for the chief. Okay. As soon as we get him, let me know. Who do I want to hear from? It's really hard to pick between Marty and Larry and Bill. How about that lady in the back? Okay. Thea, come on up. Yeah, do we have all the police officers, chief? One, we're short one, right? We're short one officer. We'll wait a few moments. Yes."

Theodora Corwin: "Hi. How are you?"

Supervisor Cardinale: "I am well."

Theodora Corwin: "I am speaking about #1034, the adoption of the DC-3 section of the zoning and in regard to my property, 761 East Main Street and I thank you for your consideration in adoption of the property in the rear.

But there's been confusion on the right of way to both properties and ownership of that property and I've been down to County Center and looked through the deeds and it is in my name, the right of way, the road, which is not included in DC-3 and I'm asking that you would take consideration and include that road. If you need, you know, copies of the deed I can, you know, give them to you."

Supervisor Cardinale: "You're talking I guess- I presume about the map- that the map for DC-3, you're at the end of it, doesn't incorporate that road."

Theodora Corwin: "No."

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Supervisor Cardinale: "Is that correct? Can you take a look at that, Barbara, and tell us if that's accurate? If that's accurate, I don't think anybody cares if it incorporates that road or not except you."

Barbara Grattan: "Thea, could you state your name, please, for the record?"

Theodora Corwin: "Theodora Corwin."

(Some inaudible discussion among the Board members)

Supervisor Cardinale: "Would you, Dawn, if it's this- if that's what she's talking about, this road here, it's within the district so- "

Theodora Corwin: "It actually has a tax map number of 127-7-24."

Supervisor Cardinale: "Well, we want to know if you can verify for the town attorney whether that is the road you're talking about shown on that map because that's within the map. It's- correct?"

Theodora Corwin: "This very thin road right there."

(Some inaudible discussion among the Board members)

Theodora Corwin: "It's a 16 foot right of way- well, in the deeds now it's actually in my name at the County Center. It's section 127-7-24. But it's not recorded here. You can't find it on the computers here but it is at County Center."

Supervisor Cardinale: "Is this simply a road of a minimal width like 16 feet or something?"

Theodora Corwin: "Yes."

Supervisor Cardinale: "And does it broaden out into a piece of property?"

Theodora Corwin: "Actually it rides along both pieces of my property and then hits the Long Island Railroad but I own the extension of that road from the Long Island Railroad south to Riverside. That's a separate piece, it's an extension of that road

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that I've been paying taxes on."

Supervisor Cardinale: "Okay. Okay, yeah, so it's at the end just as I thought. If we wanted to incorporate that, could we?"

Councilwoman Blass: "We probably could. We could just amend it to include that 16 foot- "

Supervisor Cardinale: "Yeah, okay. It is- we'll ask- did you see any problem with incorporating that into this map? As I said, I don't think anybody would really care. Okay. I'm glad you came because we'll ask for an amendment just before we pass it, incorporate that adjacent road."

Theodora Corwin: "Okay, thank you."

Supervisor Cardinale: "Thank you. The- any- we're still short one police officer. Yes, Larry Oxman."

Larry Oxman: "Larry Oxman, Resolution 1032. This is the DC-1 zoning district use. I guess we're kind of picking up where we left off last time."

Supervisor Cardinale: "Yes."

Larry Oxman: "With regard to permitted uses for the DC-1, the offices you've now clarified. However, under prohibited uses, #2, says office only buildings."

Supervisor Cardinale: "Yes."

Larry Oxman: "So you're allowed to have retail and professional offices on the ground floor, you're allowed to have offices on upper floors, but you can't have an office building. So-
"

Supervisor Cardinale: "Yeah, would you explain the policy behind that?"

Councilwoman Blass: (Inaudible)

Supervisor Cardinale: "Okay. Yes."

Larry Oxman: "Okay."

(At this time, Supervisor Cardinale had a phone call)

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Larry Oxman: "So someone would have to have some other type of use in the building, they could not occupy 100% of the building with offices."

Supervisor Cardinale: "Well, yeah, that's- I got that. There is a policy behind that. We do not want full office buildings. I think we better leave well enough alone if you're inclined to do- "

Larry Oxman: "Okay."

Supervisor Cardinale: "Because what we should really do is define more clearly it seems to me at some point in the future what we mean by all office buildings. So, for example, if a guy has a 10 foot retail space, it's not an all office building, so it's a mixed use building."

Larry Oxman: "Right."

Supervisor Cardinale: "You have 10 foot of retail."

Larry Oxman: "All right. I don't know. It's just- it seems that it's unclear I mean because- "

Supervisor Cardinale: "No it's not unclear. It may be poorly thought out but it certainly isn't unclear."

Larry Oxman: "Okay. Flea markets now- is flea markets defined somehow? Because in- how is it defined?"

Supervisor Cardinale: "(inaudible) defined? Oh, great. Where?"

Councilwoman Blass: "We are including it in the next group of definitions. It is not currently defined but it is on the list in our housekeeping."

Larry Oxman: "Okay. So I hope that a collective art gallery will not be considered a flea market or possibly collective antique shops, something like that."

Councilwoman Blass: "It would not be (inaudible)."

Larry Oxman: "Good, good. Okay. Last but not least, the DC-4, I think it was 4, doesn't allow retail and just looking at the map, you have a little corner, I guess that's just before the railroad crossing on the north side. I guess starting with probably

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about where the IRS is or, that you're not allowing retail but you're allowing retail across the street, that's- that was- yes, DC-4 doesn't allow retail starting with- what's where the funeral parlor is- the last street before- is that- where Rob Pike's office is, what is that road?"

Supervisor Cardinale: "Ostrander."

Larry Oxman: "Ostrander. So from Ostrander over, there's no retail allowed on Main Street. But on the south side, I believe that there is. So, again, if someone wanted to take some of those wonderful older homes and turn them into an antique gallery or something, it's not permitted."

Supervisor Cardinale: "I guess that's because you want to keep the old wonderful homes."

Larry Oxman: "But it is permitted across the street."

Councilwoman Blass: "It is a transitional zone. You have to draw the line somewhere, the next person will always say just include it, you know, include the next parcel over. There's always going to be that- "

Supervisor Cardinale: "Where does it end?"

Larry Oxman: "Well, it says- I mean the railroad tracks obviously is a good boundary but that you have it on one side of the street and not the other is- "

Supervisor Cardinale: "You would prefer to use the railroad track as the boundary?"

Larry Oxman: "I would prefer not to prohibit retail from coming to the downtown. I mean, that's- "

Councilwoman Blass: "We have five downtown districts. Three of them have and encourage in every way possible retail uses. Then we have transitional districts and then we have a residential district. So we're not prohibiting or discouraging people from- "

Larry Oxman: "But actually if you say transitional further to the east, you allow it again. So it's really a little pocket if you truly look at it that way. So you allow retail, you don't allow retail, then you allow retail. So, thank you."

Councilwoman Blass: "You're welcome."

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Supervisor Cardinale: "Well what do they call it, a living document, see how it works. But it is consistent with the master plan recommendations so, hopefully, they knew what they were doing and so do we.

We have- speaking of knowing what we are doing, we have no police chief. But we don't have a- the fifth guy isn't here? Doesn't tardiness count against you, demerits and things like that? What? Marty, and then Bill, this is like a trifecta."

Marty Sendlewski: "On Resolution 1033, the copy that's in the hallway under the prohibited uses still has the retail and shops as prohibited even though it's under permitted. There was a change to permit them but it still was never struck from- "

Supervisor Cardinale: "1032- 3?"

Marty Sendlewski: "1033."

Supervisor Cardinale: "Okay."

Marty Sendlewski: "DC-2."

Supervisor Cardinale: "What page are you looking at?"

Marty Sendlewski: "I think it's the second page, it's under prohibited uses."

Supervisor Cardinale: "Under prohibited uses, 10, well, this is 2, downtown center 2. Under prohibited uses you want me to look."

Marty Sendlewski: "Right. It says retail stores and shops prohibited but- "

Supervisor Cardinale: "Prohibited uses are offices, and then they also add retail stores and shops."

Marty Sendlewski: "Right. Now that's not permitted under the permitted uses so it's- "

Barbara Grattan: "Okay. What are we striking?"

Supervisor Cardinale: "Well, wait, well, let's talk about that. We're on the prohibited uses. Okay, you're right, yes. So we added it but- as per discussion but we failed to delete it and do it

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right.

I have a generic question. Would some, oh, attorney, how nice. What is the difference between- you had asked this, too. What's the difference between a permitted- the absence of a use from the permitted and the absence from the use from the permitted uses and its presence under prohibited uses. If it's not permitted, it's prohibited. So what's the point of prohibiting uses? Is there any- other than emphasis, is there any function to this?"

Dawn Thomas: "I think if there were to be a request for an interpretation because not all uses fit clearly into one category or another, but- "

Supervisor Cardinale: "I see."

Dawn Thomas: "-- for purposes of clarity you specify what you definitely- "

Supervisor Cardinale: "Really don't want."

Dawn Thomas: "-- don't want."

Supervisor Cardinale: "Would it have any impact- it would have no impact. Okay, I get that. So for emphasis for whatever clarity it brings, it's a good thing. But it doesn't have any difference- if they go to the Zoning Board of Appeals and say I would like to do gas station, they can still- even though we say it's prohibited, they can still get a use variance, can't they?"

Dawn Thomas: "A use variance is extremely- "

Supervisor Cardinale: "Right."

Dawn Thomas: "-- difficult- "

Supervisor Cardinale: "But this doesn't preclude it?"

Dawn Thomas: "No. It wouldn't preclude them if they could establish that that was the only viable use, there was no other economic return on the property- "

Supervisor Cardinale: "Right."

Dawn Thomas: "-- other than a filling station."

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Supervisor Cardinale: "So it's basically for emphasis and clarity."

Dawn Thomas: "Yes."

Supervisor Cardinale: "Okay. Anyway, go ahead."

Marty Sendlewski: "Then the only other question I have is on the 1037, the chart for the uses- "

Supervisor Cardinale: "Yes."

Marty Sendlewski: "-- the DC-1, we had a discussion last week about the 62 feet height and 60 and five stories and six stories- "

Supervisor Cardinale: "Yes, I know. We had a big one today, too."

Marty Sendlewski: "-- now it looks like six stories are out totally?"

Supervisor Cardinale: "Yeah."

Marty Sendlewski: "Is that- that's- I just wanted to clarify that was the intent."

Supervisor Cardinale: "That was. But we do- you will note also that the language- let's look at it so I make sure I'm talking correctly. Which one is it?"

Marty Sendlewski: "1037, well, 1037 is the chart, is the- "

Supervisor Cardinale: "Yeah, here it is. It should say and it does, doesn't it, maximum height of buildings is 60 but not more than four- five stories."

Marty Sendlewski: "Five stories. So it's definitely not a six story building."

Supervisor Cardinale: "So we're trying to give you greater architectural latitude among other things on the retail floor."

Marty Sendlewski: "Okay."

Supervisor Cardinale: "Because it's been suggested that some people would like to have really dramatic ceilings and then you put

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five floors on the top of it, you're not going to get it in."

Marty Sendlewski: "Okay. So it was a conscious decision. Because there were six stories last week and now it's definitely five."

Supervisor Cardinale: "It is a conscious decision."

Marty Sendlewski: "Okay. All right. I just wanted to make sure."

Supervisor Cardinale: "You are watching, aren't you, Marty?"

Councilman Bartunek: "As opposed to the unconscious decision."

Supervisor Cardinale: "As opposed to the unconscious decision that abound throughout our work."

Marty Sendlewski: "Other than resolutions, we'll have time to address the Board on other issues after the resolutions?"

Supervisor Cardinale: "Yes."

Marty Sendlewski: "Thank you."

Supervisor Cardinale: "Okay. We have all of the police officers here? No. Well, he could have the briefest career that we ever had. He can have the briefest career as a police officer that any previous or past.

The- this is even better. We recently had a police officer who was unable- who had an injury very quickly into her service period, but in this instance we have no service period. We don't even have an officer to swear in."

Councilman Densieski: "How about if we run through the resolutions first?"

Supervisor Cardinale: "All right. We're going to run through the resolutions, give us a moment- if you want to give him a call, you can use my office and tell him we're excited for him. Can we- oh, Andrea, can you- I would like to adjourn for a moment. Oh, Bill, I'm sorry, did you want to speak? I don't want to cut you off. Before we do that."

William Kasperovich: "Kasperovich from Wading River. Scavenger Waste. When we went into operation for scavenger waste,

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there were 10 trucks from Southamptton to one truck from Riverhead. It was a- that was a time when the town clerk's office was taking care of the- "

Supervisor Cardinale: "Is this on a resolution?"

William Kasperovich: "You have a resolution for the fees and you've got a resolution for a budget adjustment."

Supervisor Cardinale: "Okay. I understand. Thank you."

William Kasperovich: "And over the years, I've asked and since the accounting of the amounts delivered and where they come from passed from the town clerk's office down to the scavenger waste area, I asked whether this condition still exists. Now if it's 10 to 1 favoring Southamptton, they should help us pay for some of this scavenger waste instead of just a flat fee and with the amount of scavenger waste coming outside of Riverhead, is not being accounted for. And I think this should be looked into. If it isn't being recorded to be recorded and for- if it's a 10 to 1 ratio we certainly have grounds to go to Southamptton and ask them to help us pay the cost and the running of this operation."

Supervisor Cardinale: "I understand. Thank you. Thank you for that comment. Andrea, would you come forward and I'm going to adjourn for a moment the town board meeting."

Meeting adjourned: 5:03 p.m.

Meeting reconvened: 5:04 p.m.

Supervisor Cardinale: "Okay, we have resumed now the Town Board meeting. We have Resolution 1003. Could you call that, please, Barbara?"

Resolution #1003

Councilwoman Sanders: "It's a budget adjustment for the Scavenger Waste District. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

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Resolution #1004

Councilman Bartunek: "Also a budget adjustment for Riverhead Sewer District. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #1005

Councilwoman Blass: "Budget adjustment in connection with the Calverton Sewer District. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #1006

Councilman Densieski: "Is a budget adjustment for the general fund. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #1007

Councilman Bartunek: "Recreation fund budget adjustment. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski,

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yes; Cardinale, yes. The resolution is adopted.

Resolution #1008

Councilwoman Sanders: "Accepts the draft environmental impact statement supporting the special permit of Tanger Properties LP Tanger I Expansion and authorizes the Town Clerk to publish and post notice of public hearing. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution 1009

Councilwoman Blass: "Oh, can I just- "

Supervisor Cardinale: "Yes, a question on that."

Councilwoman Blass: "-- the public hearing notice has 2003. We need to amend that to 2004, please."

Supervisor Cardinale: "Yes. On that, please make certain that the public hearing notice reflects 2004 and the public hearing on this is going to be December 2nd- "

Councilwoman Sanders: "7th."

Supervisor Cardinale: "December 7th."

Councilwoman Blass: "At 6:00."

Councilwoman Sanders: "At 6:00 p.m."

Supervisor Cardinale: "At 6:00 p.m. Is that a Town Board meeting date? Okay, and it's 6:00 p.m. So that's going to be an hour before the regular start of the Town Board meeting. It's on the Tanger properties application for a Big Bucks store, 136,000 square feet entering from 25 on- at the Tanger center. It's got issues with the DEC that they'll deal with and we've got a special permit application and if you want to be heard, get here an hour early on December 7th. Go ahead."

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Resolution #1009

Councilwoman Blass: "Resolution adopts a local law to amend Chapter 95 entitled Taxation of the Riverhead town code exemption for volunteer fire fighters and volunteer ambulance workers. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #1010

Councilman Bartunek: "Appoints a park attendant II to Level II to the Riverhead Recreation Department. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #1011

Councilwoman Blass: "Appoints a part time recreation aide/skatepark to the Riverhead Recreation Department. So moved."

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #1012

Councilman Bartunek: "Appoints interpreter for the police department and justice court. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski,

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yes; Cardinale, yes. The resolution is adopted.

Resolution #1013

Councilwoman Blass: "Approves the amended site plan of Cellular Telephone Company d/b/a AT&T Wireless at Cherry Creek with the amendment on the first Resolve- second Resolve clause. So moved."

Councilman Densieski: "Second the motion."

Councilman Bartunek: "As amended?"

Supervisor Cardinale: "Yes, as amended with Reeves Avenue reflected at the third line on the second page, first Resolve. Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #1014

Councilman Densieski: "Approves the amended site plan of Little Flower Children's Services parking improvements. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded with the addition on the declaration of covenants (inaudible) of 2004. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #1015

Councilman Bartunek: "Authorizes the Supervisor to execute declaration of covenants and restrictions 1998 Peconic LLC. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #1016

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Councilwoman Sanders: "Authorizes the Supervisor to execute a recording document for Mill Pond Commons from Riverhead Sewer District. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #1017

Councilwoman Blass: "Authorizes the Supervisor to release petty cash monies to the Riverhead Receiver of Taxes. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #1018

Councilman Densieski: "Authorizes the Supervisor to execute an End User Agreement with Jungle Lasers, LLC for the National Geomatica System. So moved."

Councilwoman Sanders: "Did you want- Supervisor, there were some questions regarding the ownership of the data if they are to- "

Supervisor Cardinale: "Yeah, I'm- is Chris still here? I'm comfortable that, in fact, they've addressed the issues so I'm okay with it. As long as they've addressed them. My concern is that they may have missed them. They seem to have addressed them all. There's a question as to whether they addressed them adequately. So I'll talk to Lori and make sure that that's so."

Councilwoman Sanders: "Then I will second that."

Supervisor Cardinale: "Okay. Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

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Resolution #1019

Councilwoman Sanders: "Authorizes the Town Clerk to publish and post a help wanted ad for a Maintenance Mechanic II. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #1029

Councilwoman Blass: "Authorizes the Town Clerk to publish and post a help wanted ad for a town director of human services. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #1021

Councilman Bartunek: "Establishes expediting charges in the fire protection and code enforcement division. So moved."

Councilman Densieski: "Second the motion."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #1022

Councilman Densieski: "Town of Riverhead establishment of a bank account. So moved."

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Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #1023

Councilwoman Blass: "Exercises an option to renew an agreement with Fundamental Business Service in connection with parking violation enforcement services. So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "I just want to point out that this system is really working good. The town's made a lot of revenue that we wouldn't have otherwise anticipated and I know I'm one of the payers. Yes."

The Vote (Cont'd.): "Cardinale, yes. The resolution is adopted."

Resolution #1024

Councilwoman Sanders: "Re-establishes terms and conditions of employment of deputy town attorney. So moved."

Councilman Bartunek: "And seconded."

Councilwoman Sanders: "I'm sorry. There was the resolution that was omitted in- "

Supervisor Cardinale: "Okay."

Councilwoman Sanders: "The first Resolved."

Supervisor Cardinale: "Yes."

Councilwoman Sanders: "As set forth in Resolution blank of 2004."

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Supervisor Cardinale: "Okay. We- yeah, we need to fill in the resolution. Jill, lucky you, you're still here at 5:15. Could you check in your book to see what the resolution number is and we'll set it aside for a minute? It's Resolution blank of 2004."

Councilwoman Sanders: "It just says blank of 2004."

Councilwoman Blass: "It's going to be the beginning of the year- February, I think."

Supervisor Cardinale: "It would be early in the year when we initially made the appointment. That's what it's modifying. Thank you. Okay, we'll hold 1024 aside so we can fill that in. 1025 is the next one."

Resolution #1025

Councilman Bartunek: "Refers the amended comprehensive development plan of M-GCB, LLC to the Riverhead Planning Board. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #1026

Councilman Densieski: "Releases cash security of Riverhead Bay Motors. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #1027

Councilwoman Blass: "Authorizes the Supervisor to execute a lease agreement with Cellular Telephone Company d/b/a AT&T Wireless."

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So moved."

Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes."

Supervisor Cardinale: "Excuse me a second. You've got a number on that? The resolution #75, we can go back, please, for a moment to do #1024."

Barbara Grattan: "Well, why don't we just finish this resolution?"

Supervisor Cardinale: "Okay."

Barbara Grattan: "You vote yes?"

Supervisor Cardinale: "This is 1027?"

Barbara Grattan: "Right."

Supervisor Cardinale: "Yes."

Barbara Grattan: "The resolution is adopted."

Supervisor Cardinale: "Okay, now if we go back to- before going to 1028, 1024 and would you- "

Councilwoman Sanders: "Shall I move it again?"

Supervisor Cardinale: "Move it with #75 inserted."

Resolution #1024

Councilwoman Sanders: "Okay. Re-establishes terms and conditions of employment of deputy town attorney. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded with the addition of Resolution #75 on the Now Therefore third clause of the resolution. With that, move it for a vote."

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The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #1028

Councilwoman Sanders: "This resolution is an order establishing Extension 81 to the Riverhead Water District 1998 Peconic LLC. So moved."

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #1029

Councilman Bartunek: "This resolution sets disposal fee for the Scavenger Waste Riverhead Scavenger Waste District. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass."

Councilwoman Blass: "Yes. And I'd like to thank Councilwoman Sanders for her work in researching this and bringing it to our attention. Thank you. Yes."

The Vote (Cont'd.): "Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #1030

Councilman Densieski: "Authorizes the Town Clerk to advertise for bids for Cranberry Street pump station Riverhead Sewer District. So moved."

Councilwoman Sanders: "Seconded with the amendment of the date."

Supervisor Cardinale: "Moved and seconded with the amendment of the date from October 28th to November 4th on the second line. Vote, please."

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The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #1031

Councilwoman Sanders: "Accepts the resignation of the existing member, Miles Kucera, and appoints a new member to the Riverhead Landmarks Preservation Commission, that new member being Stephanie Bail and I wish her good luck. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #1032

Councilwoman Blass: "This resolution adopts a local law to amend Chapter 108 entitled zoning of the Riverhead town code for the downtown center 1 Main Street zoning use district. So moved."

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #1033

Councilman Bartunek: "This adopts a local law to amend Chapter 108 entitled Zoning of the Riverhead town code downtown center 2 waterfront DC-2 zoning use district as amended. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Right. And that amendment- "

Councilwoman Sanders: "Retail stores and shops."

Supervisor Cardinale: "Strikes number- strikes D, retail stores and shops. As amended it's been moved and I'd like a vote, please."

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The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #1034

Councilwoman Blass: "Adopts a local law to amend Chapter 108 entitled Zoning of the Riverhead town code downtown center 3 Office DC-3 zoning use district. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #1035

Councilman Bartunek: "Adopts a local law to amend Chapter 108 entitled Zoning of the Riverhead town code downtown center 4 office/residential transition DC-4 of the zoning use district. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

Resolution #1036

Councilwoman Blass: "Adopts a local law to amend Chapter 108 entitled Zoning of the Riverhead town code downtown center 5 residential DC-5 zoning use district. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. May we have a vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski,

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yes; Cardinale, yes. The resolution is adopted.

Resolution #1037

Councilman Bartunek: "Amends town of Riverhead zoning use district schedule downtown center 1 Main Street DC-1 zoning use district; downtown center 2 Waterfront DC-2 zoning use district; downtown center 3 office DC-3 zoning use district; downtown center 4 office/residential transition DC-4 zoning use district; downtown center 5 residential DC-5 zoning use district. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #1038

Councilwoman Blass: "This resolution amends the zoning map for the Town of Riverhead, Suffolk County, New York and I'd like to amend the resolution that amends the map to include that strip in the DC-3 map as previously discussed. It would be the- the easternmost section- I don't know- how could we describe it?"

Councilman Bartunek: "South of East Main Street."

Councilwoman Blass: "As previously articulated during the meeting."

Supervisor Cardinale: "Well, is this the map right here?"

Councilwoman Blass: "It's this one."

Councilwoman Sanders: "Yup."

Supervisor Cardinale: "Does it show the road?"

Councilwoman Blass: "It shows it."

Supervisor Cardinale: "Okay, yeah, why don't we- "

(Some inaudible discussion among the Board members)

Supervisor Cardinale: "I think the easiest way to articulate

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it would be on East Main Street at the- to incorporate a roadway next- annexed- adjacent to the most easterly piece on the south side of the street."

Councilman Densieski: "Shouldn't maybe tomorrow we just include the Suffolk County tax map number?"

Supervisor Cardinale: "And that is the Suffolk County tax map. It's the- if you look at the map we're approving, it is shown clearly as a road. It indicates- it's shown in white as a road. It is the- do you have a thought on this?"

Rick Hanley: "Is this the right of way?"

Supervisor Cardinale: "Yes."

Rick Hanley: "Did you have an appearance today?"

Councilwoman Blass: "Yes."

Rick Hanley: "There's a tax map number on the right of way. Why don't we just cite the tax map number?"

Councilwoman Blass: "That was- "

Rick Hanley: "Good."

Supervisor Cardinale: "If you gave- do you have it?"

Councilwoman Blass: "-- a good suggestion."

(Inaudible comment)

Rick Hanley: "It's on the map. It has a number on the map."

Supervisor Cardinale: "I don't see how you can miss it. It's on your map right here."

Rick Hanley: "Yeah, there's a tax map number on it."

Supervisor Cardinale: "Well, if you give it to me, I'll read it in."

Rick Hanley: "Okay."

Supervisor Cardinale: "Thank you. Let's put it aside for a

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moment and go to the next one."

Barbara Grattan: "Okay, resolution #1039 is to pay bills."

Supervisor Cardinale: "Okay. Is Jack here? Well, we're going to approve this anyway. To pay bills we have it moved and- someone move it, please?"

Councilman Bartunek: "I'll move that to pay bills."

Supervisor Cardinale: "Do we have a second?"

Councilwoman Sanders: "And seconded."

Councilman Densieski: "Seconded to pay the bills."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes."

Supervisor Cardinale: "Yes. And I- the reason I hesitated is that I had asked Jack to get us a better format when he shows us what checks are being approved because this one stinks. He promises- he- it is not informative- something that shows the check to whom it is drawn, that is the payee, the amount and the purpose so the Board can quickly look at it and challenge or not challenge it. So we'll start with that at the next meeting. The format could be improved, that's what I meant. As opposed to it stinks."

Before I go- we're waiting for him to come back with tax maps, we can pass 1038 but before I do I want to thank, again, George, Barbara and the rest of the Board for working very hard with Jill on getting this done today and Rick Hanley, Jill, Barbara, George, Eric. We are now down to the last few- three zones, I believe, yeah, three zones and the TDR status, right? We have to do Business F, professional business, and that zone that doesn't have anything in it but parks. What's the name of that one?"

Councilman Densieski: "Tourist Recreation Center."

Supervisor Cardinale: "Tourist- that's- TRC, so we have Business F, PB, TRC and the TDR statute and we will be finished. We hope to do that within the next 15 days."

Rick Hanley: "Okay. That parcel number is 0600-127-7-24."

Supervisor Cardinale: "Yes, right. Okay. I would suggest that we move 1038 amending it to incorporate that tax map lot at its

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easterly boundary."

Councilwoman Blass: "Okay. I make a motion to- I move Resolution 1038 which amends the zoning map, Town of Riverhead, Suffolk County, New York with that inclusion. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. May we have a vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Supervisor Cardinale: "That concludes the resolutions. Before we take final comments on any matter of interest to the public and to the Board, let's swear in these very impatient police officers. What? Oh, he'll be here in 10 minutes? Okay. So we're going to hold for 10- okay, would you like to- I'll tell you what. We're going to hold it for 10 minutes. If you would- excuse me- if there is any public comment now is your time. Maybe we can get out of here by 5:30 if we're lucky."

If there is not any public comment, I would be delighted but unfortunately- Marty does have a public comment."

Councilman Densieski: "Marty has a short public comment."

Supervisor Cardinale: "A short public comment."

(Some inaudible discussion among the Board members)

Marty Sendlewski: "I just dropped off a couple of correspondence that are- that were filed at the Town Clerk's office today. The reading part- the gist of it is the second page of the first letter, is a map that I attached to the first letter, that if you unfold it what the map shows- this has to do with the RLC zoning."

Supervisor Cardinale: "Yes."

Marty Sendlewski: "Particularly the Janis property, the Janises are here today. When I was here last week before the zoning- I think it was before the zoning was adopted, we had mentioned that there was a problem achieving the 10% floor area ratio given the zoning."

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What I've done is I've gone back and I have a color copy of what you have there. It's pretty easy to see in color. This represents their property. The green represents 75% non-impervious area per the code. So that would be the lawn areas around the parcel. The two red spots represent the buildings and the while area in the middle is the parking and the sidewalks. The parking is exactly what's needed for these two buildings, a five foot sidewalk, a dumpster enclosure and that's as tight as the site could possibly be developed, driveway and a rectangle.

The site is 69,016 feet. The zoning allows 10% floor area ratio. It allows a total of 25% impervious area which allows you 15% for the sidewalks and the parking. This- what I've attained here is the maximum, represents 7.78 or about 7 and 3/4 percent lot coverage instead of 10%. It's impossible to achieve 10% lot coverage. It's absolutely impossible.

The parking stalls and the sidewalks that I show here are minimum. They meet town standard. They're exactly what's required for the footprint. I (inaudible) the building. I actually had to do some real work, you know, with the buildings and the parking for every spot I could add- I added a little footage until I got to 17,700- I mean, 17,222 total square feet and we're allowed 17,253 square feet for the 25% impervious surface. So, therefore, the RLC zone, it's impossible to develop. It does not work.

We requested in the second letter that I have which we dropped at the Town Clerk's office, we had requested once before with the last map where we had shown that it had to be a higher, you know, footprint to come to the Town Board and meet with the Town Board at a work session. We haven't received any response back.

It's another request to come in and meet with the Board, to discuss the RLC zone and particularly the Janis property because it's simply a zone as you can see here that does not work. It basically cuts down the intended floor area ratio in the RLC by 25% below what the zoning says it allows. So you're only allowed to do three quarters of what the zoning says you are allowed to do and it simply doesn't work.

And, you know, with that being said, I really would like to come in and meet with the Board. I know the owners are here, I don't know if they had anything that they wanted to add."

Supervisor Cardinale: "Well this is obviously- needs to be corrected. However, for this- there are uses I suppose which would

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require less parking than the ones so that you might- it might always not be impossible but it is sometimes impossible because we have a 75% non-impervious surface requirement."

Marty Sendlewski: "Right."

Supervisor Cardinale: "And the easiest way to correct this is to diminish that requirement and then you're home free."

Marty Sendlewski: "Right. That- pretty much between Washington and South Jamesport Avenue were the areas where this- where the retail uses were added. This show the retail use."

Supervisor Cardinale: "That's a good point, yeah. Probably when they did that to accommodate public comment, our numbers don't work as you point out."

Marty Sendlewski: "That's correct."

Supervisor Cardinale: "Did-- you get the problem? Do you have any comment on it because you discussed this previously. Yeah. Why don't you come- do we have time at the work session tomorrow? If it's an error of our- if it's an arithmetic error, we can correct it quickly and go onto other things."

Marty Sendlewski: "I'm going to be out of town tomorrow unfortunately."

Supervisor Cardinale: "Okay. Then the following Thursday?"

Marty Sendlewski: "That would be great."

Supervisor Cardinale: "You're invited. Okay. We'll put it on for the following Thursday and then we'll try to get a resolution to correct it in the best possible way."

Marty Sendlewski: "Okay. And the last question, when is the F zone going to be discussed at work session and public hearing?"

Supervisor Cardinale: "Ah, the F zone, they're beginning work on it tomorrow- "

Marty Sendlewski: "Okay."

Supervisor Cardinale: "With the PB- "

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Councilwoman Blass: "Friday."

Supervisor Cardinale: "Friday they're starting work on it."

Marty Sendlewski: "But there will be a work session discussion about it next week? Because I won't be at the work session tomorrow. I'm going to be out of town. So- "

Supervisor Cardinale: "Yeah, we're not- we have not actually been discussing that kind of work at the- other than status reports on where we are- "

Marty Sendlewski: "Okay."

Supervisor Cardinale: "-- they- the committee that is George and Barbara, Jill sits in and Dawn sometimes sits in with Rick Hanley meet almost every day."

Marty Sendlewski: "So they're going to meet on Friday about it? About- all right, I won't be here but I may send somebody down. I'm going to be out of town unfortunately."

Supervisor Cardinale: "If you keep in touch with Barbara or Jill, they'll know."

Marty Sendlewski: "Okay. And next Thursday we'll come to this."

Supervisor Cardinale: "Good. Thank you."

Marty Sendlewski: "Thank you."

Supervisor Cardinale: "Okay. Are they here, the cops? Anybody else have any comment? Ray."

Ray Janis: "Ray Janis, South Jamesport. I may be misinterpreted what I want to say but going back about a month and a half ago, I know I was at a meeting here and they brought up that my property- okay, first there was a lady, I can't say the nursery- she bought property next to the (inaudible). Now, I may be wrong. Her property is just like mine and country rural, and the only thing I want an answer on or can I get- unless I'm wrong- if she was country rural, I was country rural, she was changed to RLC, I was changed to RLC. She was approved, I wasn't. If you can just tell me what was the different, I'd be satisfied. That is my answer."

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Supervisor Cardinale: "I think I remember your question. Let's see if I can pose it. She was proposed for RLC and she made an argument as you did that she wanted to go to hamlet center."

Councilwoman Blass: (Inaudible)

Supervisor Cardinale: "Okay. Yeah, she wanted to be, I think go to either CR or hamlet center and that was a more cogent argument the Board thought, the majority of the Board thought. And the question is do you recall the reasoning for that particular change? There was and this is- this is a- in Aquebogue which as you know two miles up the road, and there was- you gave her reasoning at the time you elected to go there. She's trying to remember what it was, too. But, yes, there was reasoning.

It was reasoned as I recall on the- on that configuration of property in Aquebogue which was different than Jamesport and there was a lot of discussion about Jamesport and I told you last time that we need to get a majority on the Board together on one thing and there was a lot of dissension as to whether we wanted to use in that area RLC but we did as the majority of the Board did.

But there was a reason- the reasoning was that the- they ultimately went to hamlet center because I believe that there was a hamlet center adjacent to it and that is not the case here. Is there?"

Ray Janis: "I'm in between two."

Supervisor Cardinale: "You're in between, but are you adjacent to- "

Councilwoman Blass: "No. It skips."

Supervisor Cardinale: "Is there a piece in between you and the- "

Ray Janis: "I've got two businesses next to me."

Supervisor Cardinale: "But- yes. But we're not talking about what's there, Ray. We're talking about what zoning was passed. She was at the edge of a zone. I don't think you are."

Councilwoman Blass: "And it extended one parcel. You have parcels in between."

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Ray Janis: "Well, I just feel it's (inaudible) because I mean I feel I'm in a huff, that's the way I feel."

Supervisor Cardinale: "I think you have a reasonable argument. And it was advanced by certain members of the Board. But, again, the real question is whether rural corridor is appropriate for that whole strip. But it was a hard choice and the Board struggled with it. But we did try to- what happened in this last episode that Marty's talking about is that in order to give some relief to you and others situated in that strip, we added retail use as you know and in adding retail use we may not have properly crunched the numbers so at least in that area we need to make the impervious surface requirement less in order to at least accomplish 10% build out which is what we intended to do for retail purposes. So that we can get- give you some relief on. Practically speaking the best I can do off the top of my head and with her help is that in that other situation with (inaudible), she was an abutting property owner to another district asking to be incorporate."

In your situation, in order to give you what you would like, the CR zone with 15%, we would have had to incorporate several of these people and we weren't using CR here. It was either going to be hamlet or RL.

But we know your situation well. I'm not- it was a difficult one, that's all I can tell you. We can correct the problem that Marty talks about. That's something we should correct quickly because we're intending to allow 10% coverage. And if it's not possible with our impervious surface requirement, then the two have to give so it is possible for retail development, else we're giving you 10% retail development within that strip but we're not really giving it to you which was not our intention."

Marty Sendlewski: (Inaudible)

Supervisor Cardinale: "The 15%."

Marty Sendlewski: "At 10%, it's impossible for us to (inaudible) the sanitary flow- "

Supervisor Cardinale: "Well, I understand what you're saying. But that was argued."

Councilwoman Blass: "But the current zoning code does not in many cases use up the sanitary flow. In fact, all of the properties east of Roanoke Avenue have been zoned one acre for however long, up

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until we recently changed it, but the sanitary code would have allowed you to go for two units per acre. So we don't zone based upon Health Department sanitary allowances."

Supervisor Cardinale: "So that's the best we can do in regard to your specific question which is a fair one about what happened with that lady as opposed to me but we will get some relief to you on the other issue.

And you are still going to have one basic complaint that you want retail at 15% and the basis of this Board was that we wanted only 10% in that area. And we, you know, that's where the balance of the board was.

We- do we have another cop here? A would be cop? Yeah, do you have another question?"

Ray Janis: "No. I appreciate it."

Supervisor Cardinale: "Thanks for coming down. We'll see you there Thursday, a week from tomorrow.

You look so good you four cops. Which of the four gentlemen out there is an active police officer right now? He's the one we're waiting for."

Councilwoman Blass: "Was he on duty?"

Supervisor Cardinale: "On duty for us? Well, this is really good. This guy is worth waiting for because these four guys, we've got to send to the academy and pay them while they're there but this guy is already a police officer so he comes right out into duty so he's worth waiting for for an hour. But why don't we- shall we- we are, well, if he ever gets here we are."

(Some inaudible discussion among the Board members)

Supervisor Cardinale: "Momentarily, okay. If there is no further comment, I will take a five minute adjournment until he arrives and then we'll come back and conclude the meeting. Wait, he's coming, perhaps."

Meeting adjourned: 5:35 p.m.